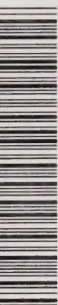


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Ontario - Royal commission inquiry into labor dispute

Hearings

v. 32

May, 1967







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**ROYAL COMMISSION**  
**INQUIRY INTO LABOUR DISPUTES**

**HEARINGS HELD AT**

**SUDBURY**

**VOL. NO.**

32

**DATE**

May 2, 1967

*Official Reporters*

**NETHERCUT & YOUNG LIMITED**  
48 YORK STREET  
TORONTO 1, ONTARIO  
TELEPHONE 363-3111





IN THE MATTER OF The Public  
Inquiries Act, R.S.O. 1960,  
Ch. 323.

- and -

IN THE MATTER OF an Inquiry  
Into Labour Disputes

BEFORE: The Honourable Ivan C. Rand,  
Commissioner, at the District  
of Sudbury Court House, Sudbury  
Ontario, on Tuesday, May 2nd, 1967.

-----  
E. Marshall Pollock Counsel to the Commission  
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APPEARANCES:

THE ONTARIO MINING ASSOCIATION

Mr. C.P. Girdwood	)	President
Mr. Dick Mather	)	Falconbridge Nickel Mines
Mr. N. Wage	)	International Nickel Company
Mr. Kenneth Eoll	)	Steep Rock Iron Mines
Mr. D.G. Schell	)	Algoma Mines
Mr. Frank Buckle	)	Past President Ont. Mining Ass.
Mr. E. Perry	)	Mining Association
Mr. Dan Murray	)	Algoma Ore Properties.
Mr. Riggin	(	Spokesman)

S.D. ADAMS WELDED PRODUCTS LIMITED

S.D. Adams ) President

BROTHERHOOD OF LOCOMOTIVE AND FIREMEN OF CANADA

Mr. Gibbons	)	Vice Pres. Local Brotherhood
Mr. Claud	)	Gen. Chairman Brotherhood
	)	of Locomotive
Mr. Erb	)	
Mr. A. Diot	)	Local 1 Engineer - Algoma Steel





Sudbury, Ontario,  
May 2nd, 1967

---On commencing at 10:00 A.M.

MR. POLLOCK: The Ontario Mining Association, Mr. C.P. Girdwood, President.

MR. RIGGIN: Starting on my extreme right Mr. Dick Mather of Falconbridge Nickel Mines. Next to him is Mr. N. Wage of the International Nickel Company, Kenneth Eoll from Steep Rock Iron Mines, Mr. D.G. Schell of Algoma Mines, Mr. Frank Buckle, Past President of the Ontario Mining Association, Mr. E. Perry of the Mining Association and Mr. Dan Murray of Algoma Ore Properties, a Division of Algoma Steel.

MR. POLLOCK: You are the spokesman, are you, Mr. Riggin?

MR. RIGGIN: For awhile, sir.

MR. POLLOCK: We have both read your brief and it is a very interesting one and we will leave the manner of presentation up to yourself and perhaps go through the various points as they are raised, or you can adopt any procedure that you think is best.

MR. RIGGIN: That is fine, Mr. Commissioner and Mr. Pollock.

On the first and second page, we have briefly outlined our conclusions, if you will, or our recommendations and perhaps we should take them one at a time and amplify them. Please interrupt us if you wish/ <sup>details</sup> on any one or more. If you wish us to go all through them and then have a discussion, we are completely





1 in your hands, but I suggest that we start.

2 Our first point, or first submission is  
3 that existing legislation is functional in a high  
4 degree and more active support of this legislation  
5 would increase its effectiveness in labour disputes.

6 Our point simply here, Mr. Commssioner,  
7 is you will see this trend throughout our whole brief  
8 with  
9 in that/more enforcement and more union responsibility  
10 we do believe that a great deal of our problems would  
11 dissolve. The thing that strikes us very much is it  
12 with  
13 is only/difficult problems that the true disputes get  
14 into the newspapers and we shouldn't lose sight of  
15 the fact that hundreds and hundreds of disputes are  
16 settled quietly and without publicity. This is the  
17 point we are trying to make here.

18 THE COMMISSIONER: A great deal of  
19 criticism has been against the delays that result from the  
20 conciliation process and there is no doubt that in many  
21 cases it has been a very great stretch of time between  
22 the termination of an agreement and either the end of  
23 the conciliation or the making of a new one. Now,  
24 what do you say about that? Is there any way that  
25 occurs to you that that time could be shortened?

26 MR. RIGGIN: Well, yes. First of all,  
27 we will certainly agree with you that there is con-  
28 siderable delay in many cases and, speaking for myself,  
29 I feel that some trouble springs from the delay itself.  
30 The mere fact of the delay causes the hardening of  
positions.

THE COMMISSIONER: Yes, I think so, and





1 it has been pertinent on two or three occasions that  
2 the freedom to strike should take place at the conclusion  
3 of the agreement, of the date fixed, while under the  
4 present provisions that gives only two months of  
5 negotiations to reach that critical point. What would  
6 you say if a fixed point was made, say, two months  
7 after the expiration of the agreement, so that both  
8 parties would see what would happen if they didn't  
9 come to the conclusion within two months?

10 MR. RIGGIN: Well, generally speaking,  
11 and speaking personally again, this is not the associa-  
12 tion, I can tell you what the association's feeling is,  
13 as a matter of fact, it is in the brief. A fixed delay  
14 of a period as you suggest in many, many cases would  
15 be helpful, but on the other hand our feeling is, and  
16 we have discussed this at great length in preparing  
17 our submission for you, that fixing a hard fast date  
18 will also cause difficulties in some cases.

19 THE COMMISSIONER: In what way?

20 MR. RIGGIN: Well, for example, you have  
21 an employer who has several plants in a geographical  
22 area, or maybe even remote. Some plants are over here  
23 and some plants are down here. Now, if this plant  
24 down here, let us assume it is a small bargaining unit  
25 and even the trade union and the employer feel that  
26 the pattern should be set for the larger group which is  
27 probably quite reasonable, if this group down here  
28 had a fixed time to strike, then they feel that they  
29 would have to strike, in effect what would be pre-  
30 maturely a total larger group has settled.



1 THE COMMISSIONER: They don't have to  
2 strike?

3 MR. RIGGIN: They don't have to strike  
4 but the union is faced with a political problem.

5 THE COMMISSIONER: Well, what about  
6 meeting that by retroactivity of the settlement or  
7 whatever it may be. Yesterday, I think we were told  
8 that it was the general practice with that particular  
9 company to make the award retroactive.

10 MR. RIGGIN: I don't think it is correct  
11 to say, Mr. Commissioner, that most collective agreements  
12 are fully retroactive. I think in many cases they are  
13 a lump sum payment to take care of retroactive pay.

14 THE COMMISSIONER: In that case, you  
15 have a grievance specifically, but / <sup>it was</sup> the representatives  
16 from the Soo, the Steel Company?

17 MR. RIGGIN: Yes, I think that has been  
18 the practice, perhaps, in Algoma.

19 THE COMMISSIONER: Well, I didn't mean  
20 to make it general.

21 MR. RIGGIN: But if you have a statutory  
22 provision that automatically makes everything retro-  
23 active you have taken away a great bargaining tool.

24 THE COMMISSIONER: I am just asking about  
25 the principle of it. It was, I haven't any doubt in  
26 the world, but it is sought and to have the shadow  
27 of a strike hanging over the negotiations has a tendency  
28 to coerce settlements in some form.

29 MR. RIGGIN: I believe this is so. I  
30 believe the practice in Quebec has proved that to some





1 extent. They changed their Act, as you know, about four  
2 years ago to provide for this.

3 THE COMMISSIONER: On the other hand,  
4 that will be benefitted by the general practice of  
5 relating it back.

6 MR. RIGGIN: That is right, sir. Coming  
7 back to your question of what could be done to perhaps  
8 avoid unnecessary delays, it is really point No. 7  
9 in our submission, and we feel very strongly on  
10 this point, that the government should be urged to  
11 hire more qualified conciliators and mediators. These  
12 people do a wonderful job and, as we say in our sub-  
13 mission, we don't think that they get the credit that  
14 they deserve. It is a difficult task, a hard and  
15 demanding and strenuous task, and somehow the government  
16 should have more and better qualified people. This  
17 would be a very great help.

18 THE COMMISSIONER: I think that is quite  
19 so.

20 MR. POLLOCK: As soon as they get more and  
21 better qualified people, some company or big trade union  
22 steals them away.

23 MR. RIGGIN: Well, for that much you  
24 are competing with companies and trade unions with  
25 regard to salary and even exceeding.

26 MR. POLLOCK: That is an interesting  
27 approach as far as expenditure of the public dollar  
28 to compete with private industry.

29 MR. RIGGIN: Well, we / would be prepared to  
30 have our portion of the taxes applied.





1 I wonder, Mr. Commissioner, may we come  
2 back to this question of delay. Perhaps we should go  
3 into the second point here, "that present legislation  
4 does not inhibit the growth of union membership". Now,  
5 what we have in mind here, and you have seen our brief,  
6 is a follow-up to Mr. Pollock's question, what about  
7 the balance existing today between the strength of  
8 the parties. We feel that there is no longer a need  
9 to feel sorry for the trade union. It is no longer a  
10 baby that needs nursing, like, perhaps, in the thirties,  
11 in the States or even in the post-war years here in  
12 the days of P.C. 1003.

13 THE COMMISSIONER: Would you generalize  
14 that and say it applies to all unions?

15 MR. RIGGIN: Well, the way the trend is  
16 going, the trend clearly in this country is fewer and  
17 larger unions, of course.

18 THE COMMISSIONER: That is the tendency,  
19 yes, but has it reached the stage or is it legitimate  
20 to say that they are all able to look after themselves  
21 in the quality of power?

22 MR. RIGGIN: By and large, I would suggest  
23 that that is so, particularly when they come under the  
24 umbrella of their congress set-up. In our industry,  
25 certainly the trade union can look after itself and  
26 we really are a one trade union industry, if you will,  
27 on the whole continent. Ninety-five out of our mine  
28 members are members of the Steelworkers, not only in  
29 Canada but throughout the States.

30 MR. POLLOCK: Let me stop you at this



1 point. There has been a question raised, both in the  
2 lumber and sawmill industry and the mining industry  
3 and those industries in the motor parts of this province  
4 as to access to the employees on a remote side, that  
5 the company controls a permit or lease or control of  
6 the property, that the trade union organizers  
7 say it is very difficult still to get to the employees  
8 who are living on the site. If they were living in a  
9 town that they had access to, there wouldn't be any  
10 difficulty, but they run into considerable difficulty  
11 generally with the lumber camps and some of the mining  
12 properties in reaching the people to organize them,  
13 after they have been requested to do so by them.

14 What do you say about that?

15 MR. RIGGIN: I can't speak for the lumber  
16 camps, and what these people have said to you may well  
17 be true some years ago, but I believe that this has  
18 changed in recent years, Mr. Pollock, that certain  
19 mining companies used to take exactly the approach that  
20 is related to you and we still have the odd isolated  
21 instance of this. I think it is unfortunate that the  
22 employer takes that attitude, but I cannot think really  
23 of any general approach in that regard in recent years.  
24 I think that is conjuring up an old horse, I believe.  
25 I can't speak for the sawmills, but in my mind that  
26 has not been so recently.

27 MR. POLLOCK: I think you can probably  
28 say that it is not as prevalent as it may have been.  
29 There are at least examples given of the practice still  
30 continuing. Now it could very well be in the minority





1 of cases and perhaps the majority now are organized, I  
2 don't know, but the suggestion has been that the Act  
3 be amended to provide the statutory right of access  
4 to a potential union officer for the purpose of organiz-  
5 ing the employees after being requested to do so, so  
6 that they aren't liable to action under the Petty  
7 Trespass Act, for example, as was in the case of one  
8 of the lumber companies north of Port Arthur.

9 MR. RIGGIN: Well, any kind of legislation  
10 in that regard would have to be extremely detailed or  
11 you are going to create more problems from the one you  
12 hope to solve. Where can he go? Who can he see? Can  
13 he go on a straight fishing expedition, how about/ <sup>more</sup> than  
14 one or two trade union representatives. What about  
15 competing trade union representatives, should they be  
16 allowed on the property at the same time into the bunk-  
17 house. You see, we generally take the attitude that  
18 the bunkhouse is the man's home, if you will, and if we  
19 have two or more men living in one room, we will usually  
20 take the approach that the trade union organizer is  
21 not to go into that room without the consent of all of  
22 them. If only one wants /see him, we will make a room  
23 available, it is this kind of approach. I am speaking  
24 of our own company now, but I believe, generally, these  
25 things have been worked out.

26 MR. POLLOCK: I think that is true  
27 generally, that things are worked out like that, but  
28 in some cases you get recalcitrant employers who take  
29 the course that this is my domain and I don't want  
30 anybody to stir up my employees. It is rather/ <sup>to this</sup> enlightened





1 group an archaic thought, but is in existence.

2 MR. RIGGIN: Well, I think that employer  
3 that he  
3 will find /is not going to help this whole situation.

4 MR. POLLOCK: Well, this organization  
5 for a couple of years had a series of conditions for  
6 a couple of years with regard to profit, and  
7 at least in some lumbering industries it is a very short  
8 term operation, but not so in the mines.

9 MR. RIGGIN: Some of the mines were  
10 short term too, but not as much so as in lumber.

11 MR. POLLOCK: Well, in any event, there  
12 has been resort to the court on the basis of Petty  
13 Trespass Act and successfully so in the courts. The  
14 plea is for an amendment to the Labour Relations Act to  
15 include a right of access and it has to be reasonable,  
16 it can't be into the company working operations, it  
17 must be a time when the people are not working and those  
18 details, I think, can be worked out but it is a question  
19 of getting into the gate and not being faced with a  
20 warning or a notice from the court "do not come on my  
21 property," pursuant to the Petty Trespass Act and then  
22 if a fellow steps on it the gendarme are there to  
23 herd him off - the wide door taxi as they call it.

24 MR. RIGGIN: Can anybody here add a  
25 comment? If not, we will carry on.

26 MR. PERRY: I was going to say it is  
27 almost an academic question as far as the mining  
28 industry is concerned with 31 to 32000 eligible to be  
29 in the trade union. There are 30,000 of them now,  
30 I guess.



1 MR. POLLOCK: Well, it may be just  
2 little  
3 removing a/thorn from somebody's side at nobody's  
4 cost, so I guess there is no objection to it. It hasn't  
5 had an adverse affect on anybody and it has been  
6 presented to us as a kind of a burning question to the  
7 trade union people and it might be an easy bargaining  
8 program.

9 MR. PERRY: I would think that the frame-  
10 work outlined by Mr. Riggins that as long as you don't  
11 present or create additional difficult problems.....

12 THE COMMISSIONER: Well this may be a  
13 question that has aspects of absurdity, but I am going  
14 to put it to you. Suppose one of the workers himself  
15 undertook the job of organizing and he may be a hundred  
16 miles from his home. Would that be at all tolerated?

17 MR. RIGGIN: Oh, certainly, as long as  
18 he is not interfering, or as long as other employees  
19 don't complain.

20 THE COMMISSIONER: Well, he would be  
21 subject to the same restrictions that any stranger  
22 would be going into the plant, as far as taking these  
23 written acceptances of membership and something of  
24 that sort. He would have to do it, of course, outside  
25 of his daily work.

26 MR. RIGGIN: I was going to say that, of  
27 course, he lives there.

28 THE COMMISSIONER: Yes, but he has  
29 mail and delivery.

30 MR. RIGGIN: Yes, but none of us com-  
plained of casual conversation regarding the union even







1 on the job.

2 THE COMMISSIONER: He would be as free  
3 as any outsider after the work was over, wouldn't he,  
4 after his daily work was over?

5 MR. RIGGIN: Yes, but you must remember  
6 that he is still living, / his home, if you will, is  
7 still inside the fence.

8 THE COMMISSIONER: But suppose it is,  
9 he  
10 why shouldn't/be permitted if there is an agreeable  
11 spirit among the other men, it would have to be that,  
12 he couldn't impose anything, what is the injury to  
the company?

13 MR. RIGGIN: None, Mr. Commissioner, as  
14 long as they are not starting to have rabble - rousing  
15 meetings, if you will, in the gamesroom of the bunkhouse.  
16 This is what happens.

17 THE COMMISSIONER: Well, I had in mind  
18 a subscription that the Board apparently requires that  
19 you will pay a dollar.

20 MR. RIGGIN: Well, that is done all the  
21 time on the property.

22 THE COMMISSIONER: On the property?

23 MR. RIGGIN: Oh, yes.

24 THE COMMISSIONER: But to whom is it  
25 done? It isn't done to an outsider because he is not  
26 permitted on the property.

27 MR. RIGGIN: Well, I don't know where he  
28 is not permitted.

29 THE COMMISSIONER: It is only in very  
30 remote regions where this would apply, otherwise the men







1 would go to their homes and he could be met there. But  
2 here is an isolated case and from the standpoint of  
3 what you say that it does not inhibit the growth,  
4 certainly something else inhibits the growth.

5 MR. RIGGIN: Well, as we say in our brief,  
6 perhaps we could come to the tentative conclusion at  
7 least, that 70 percent of the people in Canada who are  
8 not unionized don't want to be.

9 THE COMMISSIONER: That may be, and all  
10 they have to do is say so. We have had statements made  
11 that these people want a place but they were unable to  
12 get it.

13 MR. RIGGIN: All we can say is that as it  
14 applies to unions / they are unionized because we are  
15 up to our necks. We are in isolated areas and I think  
16 it is fair to say that the union has been quite success-  
17 ful in organizing isolated mines.

18 THE COMMISSIONER: Well, we don't have a  
19 map of all/isolated spots in this province.

20 MR. RIGGIN: Well, this is true, and  
21 there are isolated areas other than mines.

22 MR. POLLOCK: Well, it may very well apply  
23 more to lumbering industry.

24 THE COMMISSIONER: Yes, I had in mind  
25 the lumber districts where evidently they get permits  
26 which give them possession of the property.

27 MR. RIGGIN: They have more control of  
28 access work on the roads.

29 MR. POLLOCK: It would probably affect  
30 that small area that is unorganized in your industry





1 because of only that reason that they are denied access.  
2 But from your position this morning, I don't think there  
3 is any objection as long as you say there isn't these  
4 rabble rousing meetings that cause a great many dis-  
5 ruptions in the camp.

6 MR. RIGGIN: Well, this is the concern  
7 that we have and if that happen<sup>and</sup>then we take disciplinary  
8 action/it usually ceases.

9 MR. POLLOCK: Thank you, that is an  
10 answer to my question.

11 MR. RIGGIN: In respect to our third  
12 point, "that a booklet be prepared to explain in simpler  
13 terms, the rights and privileges of the individual under  
14 the Labour Relations Act". Here, our feeling is that  
15 despite the fact that you, Mr. Commissioner, are hearing  
16 from employers and you are hearing from trade unions,  
17 the people who are going to be most affected by any  
18 recommendations that you may make and that the legis-  
19 lature may implement or certainly the employees, and we  
20 feel that these employees in many respects are quite  
21 ignorant of what they can and cannot do under the Labour  
22 Act, of what the trade union can and cannot do and,  
23 most importantly, what the employer can and cannot do.  
24 Our feeling is that, here again, we are talking about  
25 miners in isolated areas who are far removed from even  
26 newspapers in some areas and they just don't know what  
27 their rights are.

28 THE COMMISSIONER: You would think that  
29 they would learn them from a booklet.

30 MR. RIGGIN: Well, the government went to







Employment

1 great extent to publicize its Fair / Practices Act and  
2 printed the summary in seven languages, but if an  
3 employee from Sudbury here, writes to the Labour Board,  
4 the Registrar sends back the Act and it is that thick,  
5 and we all know how difficult it is for us to understand  
6 that.

7 THE COMMISSIONER: No, you wouldn't even  
8 take from that Act what the provisions were. There is  
9 a great deal of difficulty in the profession itself.

10 MR. RIGGIN: Exactly, so what we are  
11 saying is that we don't want to dwell on it. The Minister  
12 of Labour in Ontario has said he is going to appoint a  
13 Union Management Council and perhaps this should be one  
14 of the first easy chores that they should try to agree  
15 on because certainly it is not controversial.

16 THE COMMISSIONER: What you really have  
17 in mind is not what the Act does but what the law does  
18 outside of the Act. There is the definition of rights  
19 and privileges that is the big question. They mis-  
20 conceive at least/<sup>in the</sup> Orthodox Jewish law, they misconceive  
21 some of these things, then, of course, the employers,  
22 who are the leaders in the community really and who are  
23 capable of understanding things and clarifying the  
24 concepts of rate and that sort of thing. They stand  
25 on the established ground and the process right from  
26 the beginning as to back the employer up. It is the  
27 necessary result of the changes that have taken place  
28 in society. All you have to do is to look at one feature  
29 and that is the population creating its own problems  
30 and technology creating its problems, which are resulting





1 in virtual monopolization of convenient and necessary  
2 functions. So we are all members of the same community  
3 and I think we have got to realize that these men, the  
4 mass of them, are not capable of this particular grasp.  
5 I don't fool myself to think that those are the only  
6 measures of a human being's worth on this earth. They  
7 are certainly the considerations to be taken into  
8 account in promoting the society that we have now today  
9 and have created, and I say that employers have got to  
10 become recognized as the community leaders in  
11 these things.

12 It wouldn't do any harm and it might help  
13 to start the winter's fire if any other means of fire  
14 was absent when they take one of these books and light  
15 it and I don't think from the point of view of studying  
16 that he would make much progress. I think we have to  
17 recognize the differences between people and the interests  
18 of people. There was once a very fine, if I may take  
19 a moment off to illustrate what I mean, a very fine  
20 cinema shown portraying the loss of a ship on a desert  
21 island in the Pacific Ocean and it was full of bankers  
22 as guests and passengers. But the man who became king  
23 of the island was the stoker of the furnace, a great  
24 huge man, a sense of practicality and vigor and force  
25 and authority. He took charge and did become the leader  
26 of that whole group until one day a sail came and  
27 sighted that desert island and they were all taken off  
28 and by the time they reached France, he was back in the  
29 stoker. So you see, it depends on the particular function  
30 whether one or the other virtues and abilities of men







1 will find means of expression. So these men do the  
2 work and it is very important, and we have accepted  
3 the principle of organization. I doubt, and I wouldn't  
4 object to it if the province wants to do it and it  
5 might be of some value to the leaders, but I don't  
6 think it is necessary to make recommendations to that  
7 effect.

8 MR. RIGGIN: We merely point it out and  
9 let us see how it leads into our next point, that we  
10 believe there should be a mandatory vote in every  
11 application for certification. We say this because the  
12 practice of the Ontario Labour Board and most other  
13 boards is not to look behind the reason as to why an  
14 employee signed the card. There is a multitude of  
15 evidence to show that some of these people signed the  
16 card on the promise that a vote would be held. Some  
17 signed because they thought they would get recreational  
18 facilities.

19 THE COMMISSIONER: Why are you so much  
20 concerned about that? Why not leave it to the men  
21 themselves?

22 MR. RIGGIN: We are concerned about it  
23 because once the trade union is certified we are bound  
24 to negotiate with them.

25 THE COMMISSIONER: Yes, exactly, and you  
26 haven't fully accepted the principle of it yet.

27 MR. RIGGIN: What if the trade union  
28 doesn't truly represent the employees?

29 THE COMMISSIONER: That is conceivable, I  
30 agree, but so far as I have heard anything here, the





1 Board goes into great detail to have that fact clarified.

2 MR. RIGGIN: But what happens is that the  
3 employer is the one who is bound to bring out this  
4 evidence unless there happens to be an intervening trade  
5 union, but the employer is forced to take the position  
6 before the Board of being almost anti-union, when the  
7 employee is not anti-union, he is merely attempting to  
8 make sure that the laws regarding certification have  
9 been followed.

10 THE COMMISSIONER: Well, you can test  
11 men so far only and then when you get beyond that they  
12 are going to break out and I don't care who they are or  
13 what their enlightenment may be. And if they feel  
14 strongly enough, they are going to object to that and  
15 I must say that I am not so sure that you are doing  
16 this from the point of view of the men. I think, un-  
17 consciously, you have that residual objection to the  
18 whole proceeding. Certainly, that is so in some cases.

19 MR. RIGGIN: You have asked us to show  
20 leadership, though, as businessmen.

21 THE COMMISSIONER: Yes, I have, but  
22 leadership of what?

23 MR. RIGGIN: Leadership showing leadership  
24 in that Act. If you have 100 men in that plant and  
25 they are not organized and they want to submit something  
26 to you strictly within the purpose of the Act, when  
27 they came to you you would say no, go and form a union  
28 and be registered and get authority in that union to  
29 represent before I discuss things with you.

30 MR. RIGGIN: Well, let us take your case







Nethercut & Young

3843

Toronto, Ontario

miners

1 of 100 / in Red Lake, and the union does file cards  
2 for 55 or 60 or even 65. How are those employees at  
3 Red Lake, are they going to take time off and come to  
4 Toronto to hire a lawyer? We can't help them - if we  
5 help them we are in very deep trouble.

6 THE COMMISSIONER: But, you see, those  
7 men who have done that are alone the greater part of  
8 the time and they are not beset with these representatives  
9 They can discuss these matters themselves and the  
10 representatives don't live with them.

11 MR. RIGGIN: Oh, they do, indeed, sir.

12 THE COMMISSIONER: They don't go in  
13 around the plants certainly in isolated districts?

14 MR. RIGGIN: They send organizers in just  
15 like they are coming out of a pump.

16 THE COMMISSIONER: Well, in the lumbering  
17 business, certainly we have had statements made that  
18 they weren't permitted and they were told to keep off  
19 the property and they kept off, and their complaint was  
20 that there was no other way in which they could meet  
21 those people, who, they said, at least had expressed  
22 their desire to be organized. So you can't say that  
23 all of this is necessarily false, it may be true. So  
24 why not accept the principle?

25 MR. RIGGIN: We do, sir.

26 THE COMMISSIONER: Well, you certainly  
27 express that, but all your actions are not wholly  
28 consistent with that, because in some cases employers  
29 fight it to the last ditch and why, because they don't  
30 want to be bothered with it, and it depends on the





1 attitude of the employers. If they say, well this has  
2 come and it is part of life, that is the result of this  
3 thing. Sixty-six years ago it was considered outrageous  
4 that you should have such a thing as Workmen's Compensa-  
5 tion. Today, you take it as part of your bookkeeping.

6 MR. RIGGIN: May I clarify this, Mr.  
7 Commissioner? You are suggesting now that an employer  
8 does not have the right to say, "I'd rather not have a  
9 trade union".

10 THE COMMISSIONER: Yes, he has quite the  
11 right to say that, but I say the purpose of the Act is  
12 to encourage organization. They can't strike until they  
13 do.

14 MR. RIGGIN: That is right, and that was  
15 our second point here. We say that the Act has certainly  
16 encouraged it. We no longer have to nurture infant  
17 trade unions. They are now big, big business and can  
18 swallow up most of us in their own right.

19 MR. POLLOCK: Well, in the suggestion  
20 that runs with the vote in all circumstances, are you  
21 prepared to say that civil majority will carry the unit?

22 MR. RIGGIN: That is a difficult question.  
23 I don't think you can analogize, and I believe this has  
24 been put to you before, to political election. A  
25 politician is voted in for whatever it may be, a year  
26 or two years or four years, the life of the legislature  
27 but once a trade union is voted in it is pretty well in  
28 for all time.

29 MR. POLLOCK: It is in until the employees  
30 decide they want to get out of it.







1 MR. RIGGIN: Well, this is so, but how  
2 many decertifications do we really have? The only  
3 decertifications we have is when one trade union kicks  
4 out another. Very seldom is a void left, not with  
5 major employers.

6 MR. POLLOCK: Perhaps not with major  
7 employers, but maybe they are satisfied that they need  
8 a trade union to balance off major employers and it is  
9 out of the frying pan into the fire and it is going  
10 back to individual bargaining. It is hard to tell from  
11 statistics or figures. I suppose you could just as  
12 easily say that employees are very happy with unions  
13 because they haven't tried to decertify them as much  
14 as you say it is impossible to do it.

15 MR. RIGGIN: I think there is something  
16 in that.

17 MR. POLLOCK: It runs with your suggestion  
18 that if it is really the will of the majority of people  
19 in the unit that ought to be considered and not some  
20 evidence that was signed up at a time when there may  
21 have been some pressure put on them, then the simple  
22 majority is the answer. If those people who do not  
23 vote do not get counted, then that is their apathetic  
24 position that runs through our society as far as voting  
25 is concerned in any kind of election.

26 MR. RIGGIN: Well, I tried to draw one  
27 of these little differences between our political  
28 balloting and this kind of balloting. But, in any event,  
29 as you well know, some jurisdictions say that employees  
30 have to vote or otherwise give an explanation for failing





1 to vote. In this way, I suppose, they try to expand  
2 the numbers voting to get a truer picture of the result.

3 MR. POLLOCK: Of course, there are many  
4 people in many different groups who say, "Well, I don't  
5 care, whatever the majority says, I'll vote". Those  
6 people have the option and, certainly, in this particular  
7 case, all the dissenters that may have signed the card  
8 under pressure would be given the privilege of a private  
9 ballot to dissent.

10 MR. RIGGIN: Well, this is what we feel  
11 should be done and we can quote you chapter and verse  
12 where in the space of six weeks an employee had signed  
13 in two different unions four times each. Every time an  
14 organizer comes to his house he wants to get him  
15 off his back so he can go back to his TV set, so he  
16 signs his card. So it is back and forth and back and  
17 forth. Only the secret ballot, I think, is going to  
18 clear up the true thinking of that kind of thing, and  
19 this is true in areas where you have a mining camp of  
20 2,500 or 3,000 people. The union will flood that  
21 place with 12 or 14, 24 or 30 organizers for a short  
22 period of time and it is a door to door campaign and  
23 they are going to get cards signed up, there is no  
24 question about it.

25 MR. POLLOCK: Of course, it is not  
26 unnatural for an employee speaking to an employer  
27 who finally signs a card and says, "Oh, well, they  
28 forced me to sign it, I didn't really want to sign it,  
29 I like you, you are fair and nice and I'll stick with  
30 you, but they twisted my arm, and then turn around the





to vote. In this way, I suppose, they try to expand the numbers voting to get correct picture of the country. MR. ROBINSON: Of course, there are many people in many different, organized ways. Well, I don't care, whatever the majority says, I'll vote. I think people have the option and, certainly, I don't think in case, all the dissenters that may have said under pressure would be given the privilege of a ballot to dissent.

MR. ROBINSON: Well, this is what we feel should be done and we can decide you choose and vote where in the space of six weeks an employee had signed in two different not at four times each. Every time an organizer comes to his house he wants to get him out of his back so he can go back to his TV set, so he signs his card. So it is back and forth and back and forth. Only the secret ballot, I think, is better to clear up the true thinking of that kind of thing, and this is true in areas where you have a mingling camp of 2,500 or 3,000 people. The union will flood their place with 12 or 14, 24 or 30 organizers for a short period of time and it is a case to door campaign and they are the only card signed no, there is no question about it.

MR. ROBINSON: Of course, it is not unusual for an employee speaking to an employer who finally signs a card. I think it is a very important thing to have the worker sign a card and I think it is a very important thing to have the worker sign a card.



1 other way and express the opposite view to the union.

2 MR. RIGGIN: And this is what we say is  
3 really one of the big points of how to vote. Because  
4 once that employee has told that employer then that  
5 employer believes him and then the employer starts to  
6 question even though the Board has certified  
7 whether the union truly represents these people, and then  
8 he is not going to try to bargain in good faith as he  
9 should and before you know it, you are into the  
10 problem. Some employers need to be shown through the  
11 secret vote that the trade union truly represents a  
12 substantial majority of the people.

13 MR. POLLOCK: It comes to quite a shock  
14 to some of them, I am sure.

15 MR. RIGGIN: That is right, and I think  
16 some of it comes from just what you say, where the  
17 employee goes to his foreman and says, "I don't want  
18 to sign, but they forced me to".

19 MR. POLLOCK: He may be the strongest  
20 organizer in the union.

21 MR. RIGGIN: Right. Just on that point  
22 again, these complex pre-hearing vote procedures that we  
23 have in Ontario /are very difficult for people to understand and wend  
24 through their way/and that will automatically go by the board.  
25 However, we have taken a great deal of time on this  
26 and perhaps we should go on. I would like to explore  
27 it further.

28 Our fifth point, that organizations of  
29 unionized workers conduct their affairs pursuant to  
30 constitutions and by-laws established in accordance with





1 Ontario laws, and, Number 6, that a union should be  
2 financially responsible under the law". These are tied  
3 together, sir, and this is aimed strictly at more  
4 responsibility.

5 THE COMMISSIONER: Do you suggest that  
6 these are not carried on in accordance with Ontario laws?

7 MR. RIGGIN: No, we are concerned with  
8 union constitution and by-laws, some of the provisions  
9 in them. What we are trying to say is that Ontario  
10 unionized workers shouldn't call the shot in their  
11 own house. The Globa and Mail in the Toronto newspaper  
12 strike situation, we don't believe should happen.

13 THE COMMISSIONER: You don't  
14 want decisions made in some forms of companies.  
15 I think very few would disagree with that.

16 MR. POLLOCK: I suppose that applies also  
17 to companies?

18 MR. RIGGIN: Certainly.

19 THE COMMISSIONER: You are getting on  
20 mixed territory at that point.

21 MR. RIGGIN: I realize that, and I feel  
22 very strongly on that score.

23 THE COMMISSIONER: Perhaps we should have  
24 a mutual zone here.

25 MR. POLLOCK: I wonder if you come  
26 from .....

27 MR. RIGGIN: Certainly I do. But apart  
28 from that, I feel strongly about that and in our number  
29 6 point, we feel that unions have grown to the point  
30 where they should put the money where their mouth is, so







1 to speak, if they sign covenants and collective agreements,  
2 then they should be prepared to pay up if they violate  
3 them.

4 MR. POLLOCK: One of the covenants that  
5 they sign in the collective agreement is that there  
6 should be no strike during the currency of the agreement.  
7 Now, if you recognize a trade union, it is desirable in  
8 the trade union to be democratic in the laws of dissenters  
9 who have different views from the central authority and,  
10 on occasion, actions of wildcat actions or strike actions  
11 take place that is unauthorized by the central authority,  
12 how can they support that kind of a clause. It is  
13 absolute liability over something they don't have  
14 absolute control over. They don't have control over  
15 the hiring of employees who are going to be their  
16 members, so that, conceivably, this union is required to  
17 take in people who may not show their own views and  
18 may not be as reasonable and rational as one might want  
19 if you are going to be their guarantor as far as their  
20 conduct is concerned.

21 MR. RIGGIN: Well, this could well be so,  
22 Mr. Pollock, but if you get it into the courts, we have  
23 our principle, our agency principles, if you will,  
24 ostensible and apparent authorities and so on. So it  
25 shouldn't be any different than the officers or directors  
26 of a corporation. Certainly, if the trade union organizer  
27 is held out by the international union to have such and  
28 such authority and he wrongly exercises it, then surely  
29 the trade union is going to be responsible.

30 MR. POLLOCK: That may be true, but the





1 analogy would carry it down into the corporate structure,  
2 that the company would be liable for the acts of its  
3 shareholders, which isn't the case.

4 MR. RIGGIN: No, no, and please don't  
5 misunderstand our proposal here. We are not saying in  
6 an absolutely true wildcat situation where union  
7 stewards and elected officers of the local, even, are  
8 not involved, that the trade union should be financially  
9 responsible.

10 THE COMMISSIONER: Well, even there, there  
11 should be a duty to exercise whatever authority can be  
12 exercised and how exercised, in order to eliminate that.

13 MR. POLLOCK: The basis of these sub-  
14 missions are the tests in the Polymer cases.

15 MR. RIGGIN: Yes, and as you well know,  
16 in the Polymer case, one trade union got off, if you will,  
17 because its organization happened to be downtown. Most  
18 people feel they were the biggest rabble-rousers of the  
19 bunch. But they had nobody there directing them so that  
20  
21 it could be tied into the trade union per se, so they  
22 were sort of shoved off to the side and let go, if you  
23 will.

24 Yes. Those kind of tests, this is what  
25 we are speaking of.

26 MR. POLLOCK: It is not by any stretch  
27 of the imagination an absolute guarantee.

28 MR. RIGGIN: No, no. Now, we have already  
29 dealt with number 7. Excuse me, Mr. Commissioner, Mr.  
30 Wage wishes to speak.







1 MR. WAGE: I would like to give an example  
2 and I would sooner not name the company, and it  
3 is not my own company. It is the type of thing that I  
4 think is a perfect example in responsibility of the  
5 union. There was a construction union and they had  
6 five stewards on the job. There were no problems as  
7 far as the company or as far as the contractor was  
8 concerned, but at 7:30 one morning, the manager received  
9 a phone call saying unless stewards were named to the  
10 job right away, there would be a picket line at the gate.  
11 As far as the manager was concerned, there were five  
12 stewards and he phoned the business agent and the  
13 business agent stated it was a result of an internal  
14 dispute. He removed the five stewards and would replace  
15 them in due time. Now, the business agent then went  
16 to another city to negotiate for three days the contract  
17 with the business agent's superior in Toronto  
18 who was also out of town on business and it took three  
19 days for that union to name stewards to the job. Now,  
20 this has nothing to do with the company at all. Accord-  
21 ing to the business agent, it was an internal union  
22 dispute, but 400 men lost three days' work and I don't  
23 know how much it cost the company. Now, I think this  
24 is the perfect example of where the union responsibility  
25 should be directly assessible.

26 THE COMMISSIONER: Did they set up a  
27 picket line?

28 MR. WAGE: They set up a picket line  
29 on the grounds and there were no strikes.

30 THE COMMISSIONER: And it was the union's





1 responsibility to appoint them?

2 MR. WAGE: Oh, yes. What actually happened  
3 was that they were elected at a meeting held three days  
4 later by the membership.

5 MR. POLLOCK: This was a pressure tactic  
6 exerted toward the employer to have the eventual result  
7 in the union?

8 MR. WAGE: In this particular case, it  
9 wasn't thought so. There was no dispute. It was an  
10 internal dispute between two factions of the union.

11 MR. POLLOCK: No, but I say the pressure  
12 was directed at the employer to get the union to do  
13 something, to resolve this problem.

14 MR. WAGE: Yes. The union created the  
15 problem and only the union could resolve it and only  
16 the union could appoint the stewards. It was a factional  
17 problem in the union that caused the trouble.

18 MR. POLLOCK: But, when you get faction-  
19 alism it causes considerable problems.

20 MR. WAGE: But if you have factionalism  
21 in corporation, that wouldn't absolve the corporation  
22 from responsibility.

23 THE COMMISSIONER: Of course there, you  
24 have a breach of the agreement and it is an action by  
25 the union and there is a question of damages.

26 MR. WAGE: Yes.

27 MR. RIGGIN: You are speaking there, Mr.  
28 Commissioner, of an arbitration for damages.

29 THE COMMISSIONER: Yes.

30 MR. RIGGIN: Of course, this is so, but







1 now that we are going to probably lose our  
2 members from the branch for arbitrations, that makes it  
3 a little more difficult.

4 THE COMMISSIONER: That is not so, but  
5 there has been provision regarding financial return.

6 MR. RIGGIN: There were about four of  
7 them who loved the work so much whom I know of, who told  
8 me they were going to carry on and do some anyway.

9 THE COMMISSIONER: Yes, I understand that.  
10 But it is not that they are prohibited.

11 MR. RIGGIN: Yes, I understand that and  
12 I'm sorry.

13 MR. POLLOCK: I suppose the corporations  
14 have the same problems when they have a unique supplier  
15 or something and he doesn't follow the letter of the  
16 contract. I suppose they are rather reluctant to commence  
17 an action against him to enforce that contract to the  
18 letter when they know that he can stop delivery or  
19 something like that of an essential product.

20 MR. RIGGIN: Yes, I think this is so.  
21 The next point regarding a strike vote and our proposal  
22 is that we don't think strike votes should be acted  
23 on if they are too stale. We suggest 14 days and  
24 this is not in our submission, but we also feel that a  
25 strike vote should not be taken until a legal strike can  
26 occur. We have had some strange situations and I don't  
27 need to go into them, where strike votes are taken long  
28 before negotiations even commence, and then when they  
29 feel some trade unions might want a little trouble on  
30 occasion for political reasons they feel that they can't





1 swing the members and they will fall back on the early  
2 strike vote.

3 MR. POLLOCK: Of course, there is no  
4 requirement now to have a strike vote.

5 MR. RIGGIN: I think if there is a strike  
6 vote provision in your Act, it should be a full blown  
7 one. It should be either none and there are many  
8 arguments for having none, but if there are some good  
9 arguments for having it, if you are going to have a full  
10 blown one it can only take place where the legal right  
11 to strike exists and then it can't be too stale before  
12 it is acted upon, and it must be by secret ballot  
13 supervised by an independent party whether it is the  
14 government or someone else.

15 MR. POLLOCK: There would be still, or  
16 it would be still in the union's power to hold a strike  
17 vote or a vote of support or something like that with  
18 the negotiating committee during the negotiations. It  
19 is just that you are saying that if they are going to  
20 go on strike, they would have to vote again after they  
21 became free to strike, after the conciliation procedures  
22 have been completed?

23 MR. RIGGIN: Yes, during negotiations  
24 frequently votes are held to accept or reject the  
25 company's latest proposals.

26 MR. POLLOCK: But I think the  
27 union wants to be able to come to the table and say,  
28 "Here, we have 95 percent support and if you don't agree  
29 with this we are going on strike".

30 MR. RIGGIN: In our view, this is a sign







1 of bargaining in bad faith. What if we went with a  
2 resolution from the Board of Directors saying there  
3 would be a lock-out here unless you cut your demands.

4 MR. POLLOCK: What about it?

5 MR. RIGGIN: The headlines would scream  
6 that "you are anti-union and dictatorial, autocratic.  
7 You are not flexible, you will not compromise, etcetera,  
8 etcetera."

9 MR. POLLOCK: Don't they say that anyway?

10 MR. RIGGIN: Well, how far do you want  
11 us to go, Mr. Pollock, we get enough as it is.

12 MR. POLLOCK: Well there are so many  
13 things that go on in the bargaining room that are said  
14 as / mere muscle flexing and that anybody with any amount  
15 of experience knows that they are not going to close the  
16 plant down, cut off their nose to spite their face, nor  
17 are the union going to take a strike action, and so on.

18 MR. RIGGIN: This is true, but our only  
19 point is, let's have our employees thoroughly understand  
20 why they are going on strike and what they are voting  
21 for or against. I would draw this business of a  
22 government supervised strike vote. We don't go that  
23 far. Some people think we should go that far, but  
24 we don't go that far in our submission, but we do  
25 believe there should be a fresh vote.

26 THE COMMISSIONER: Well, we have certainly  
27 had the expression of many representatives of employers  
28 who said that the so-called secret / ballot or strike vote was wholly  
29 futile. Generally speaking, you work the men up to the  
30 point where they wouldn't vote for it. They wanted to





1 show or they wanted to avoid a charge of being in any  
2 group or part of a group, of being against the majority.  
3 So they said, we were told by some of them, that there  
4 is nothing in it one way or the other and, as you say,  
5 there are considerations against it and it seems to me  
6 that that is one of them and it may have the opposite  
7 effect.

8 MR. POLLOCK: At present, getting a straight  
9 vote requirement is in the union constitution or  
10 what develops and that the voting constituency is limited  
11 to members of the union. I think from your brief you  
12 suggest all members of the bargaining unit, but you  
13 say all eligible members of the bargaining unit. I  
14 wondered if that meant union members on page 8?

15 MR. RIGGIN: No, that meant everybody  
16 covered by the certification initially, or covered by  
17 the collective agreement on renewal.

18 MR. POLLOCK: That is everybody in the  
19 bargaining unit, not the eligible members?

20 MR. RIGGIN: Well, withdraw the word  
21 "eligible", it should be "all members".

22 Our next point, number 9 is our views  
23 regarding strikes, and we say, "that compulsory arbitra-  
24 tion to settle strikes should not be used, except for  
25 the maintenance of essential services which affect the  
26 general public". In that latter case, we are basically  
27 speaking of health and safety, and we are also thinking  
28 in terms of hydro and roads, perhaps. These disputes  
29 have direct and heavy impact on a large segment of the  
30 public.







1 MR. POLLOCK: You suggest on page 10,  
2 which I take it is an expansion of that, in the con-  
3 cluding parts in that incomplete paragraph on that page:  
4 "Compulsory arbitration/<sup>of</sup>every labour dispute would,  
5 therefore, not only be unpallatable but in the long  
6 term, less effective than the present system of free  
7 collective bargaining, whereby the dispute is resolved  
8 on the basis of merit, and it takes into account the  
9 position of the parties." Now, isn't the basis of  
10 compulsory arbitration merit and the basis of strike or  
11 economic action, strength?

12 MR. RIGGIN: Compulsory arbitration/<sup>of</sup>every  
13 labour dispute would, therefore, not only be un-  
14 pallatable but in the long term less effective than  
15 the present system of free collective bargaining ---

16 THE COMMISSIONER: Well, this won't  
17 affect anybody else, and this was in effect a thousand  
18 years ago, where they wanted to settle all of the legal  
19 disputes the same way, the man who was injured is going  
20 to enforce his rights against the other.

21 MR. RIGGIN: Well, we don't go that far  
22 here, Mr. Commissioner. What we simply say is that if  
23 the parties negotiate a settlement they may not like it,  
24 or parts of it, one side or the other, but the fact is  
25 that both of them have mutually agreed upon that as a  
26 settlement which, of course, is not the case in  
27 arbitration.

28 MR. POLLOCK: What you are saying is that  
29 if both parties can't agree, that is much better than  
30 if somebody else agrees for them, but if both parties





1 can agree; really the example you give is this. If you  
2 have two parties to an agreement signing it they take  
3 some responsibility for that agreement and have<sup>some</sup>/interest  
4 in enforcing it. But, if they sign an agreement because  
5 they are forced to sign it by<sup>either</sup>/a third party or because  
6 they have lost an economic action, they don't like it  
7 any more<sup>than</sup>/if the third party had told them to sign it.  
8 If you are forced, after a long strike, that original  
9 supposition that people ought to feel responsible for  
10 their agreements doesn't hold.

11 THE COMMISSIONER: It isn't an agreement,  
12 it is acquiescence.

13 MR. RIGGIN: Yes, a lot of points on  
14 both sides are acquiescence.

15 THE COMMISSIONER: Well, that wouldn't  
16 lessen the fact that they agree, they simply don't  
17 agree, but they say, "Here, we can't do anything more,  
18 we acquiesce".

19 MR. RIGGIN: And what is so wrong with  
20 that, Mr. Commissioner?

21 THE COMMISSIONER: I am simply trying to  
22 use the proper term, that is all. The word came from  
23 Mr. Riggin, and he said that the parties agree in this  
24 open bargaining, but they don't always agree.

25 MR. POLLOCK: Well, I agree with you, Mr.  
26 Riggin, and I won't acquiesce but I will agree that  
27 that probably is the argument that is used to say that  
28 you and I can have a better relationship if we will  
29 strike a bargain, but if we can't strike a bargain then  
30 we have to resort to some outside pressure. I think the







1 original supposition falls by the board. But, in any  
2 event, what I want to say is that you, as employers and  
3 unions, seem to do a terrible disservice to the strength  
4 of the rational approach in ~~their~~ argument and give the  
5 other side a very high compliment when they say that  
6 we ought to be able to decide this by power or strength  
7 or by resistance, or who can outlast the other, than  
8 by reference to somebody else who can sit there and  
9 consider the thing reasonably and decide which argument  
10 is the best.

11 MR. RIGGIN: Well, we are always concerned  
12 about somebody helping us to acquiesce, if you will, in  
13 conditions that perhaps are going to be now economical  
14 for us. If we are going to be pushed out of business  
15 with increased labour costs, I wonder whether it is  
16 better to be pushed out by somebody else or to be  
17 acquiesced out of it, if you will, by the trade union.  
18 I would certainly think the latter. At least you know  
19 what you are doing.

20 MR. POLLOCK: Well, I think if the  
21 problem revolves around the type of people who are  
22 deciding these questions, if they are that naive or  
23 that inexperienced or chosen so poorly that they can't  
24 make a decision / <sup>that</sup> isn't going to force somebody out  
25 of business, unless that person ought to be out of  
26 business in the first place and unless there is no  
27 question that he is a non-competitive quantity, then  
28 I think it is a sad day.

29 THE COMMISSIONER: Don't you realize  
30 that it is the leaders who set the style of life and





1 people ape them and the demand is to enable them to  
2 ape them.

3 MR. RIGGIN: This is certainly true in  
4 the collective bargaining area, when the Federal Govern-  
5 ment gives 30 percent we are all in trouble, and whether  
6 it is wages or fancy fringe benefits or new concepts  
7 collective bargaining process. There is aping all over.  
8 The ones who can stand it grow with it and survive it.  
9 Those who can't go down.

10 THE COMMISSIONER: Well, we would be  
11 very much obliged to you gentlemen if you would give us  
12 some criteria by which we could see how these conflicts  
13 can be resolved rationally. Today, there is no reason  
14 in it at all. It is simply a question of either endurance  
15 or violence of your emotions.

16 MR. RIGGIN: Well, our comment on that  
17 would be, number one, it is true we have had considerable  
18 recently but not that many, when we look at the whole  
19 picture, and we shouldn't get too excited if there is  
20 from time to time some conflict

21 THE COMMISSIONER: Well, we can't have  
22 everything we want with an unlimited appetite in demand  
23 that is true. We have got to assert restrictions our-  
24 selves if we have any standing with ourselves.

25 MR. RIGGIN: That is right, and our second  
26 point is that - and this may sound harsh - but I don't  
27 think we should start the premise that a trade union  
28 should never lose a strike.

29 THE COMMISSIONER: Well, nobody has  
30 suggested that as far as I know.







1 MR. RIGGIN: Well, if you are going to  
2 resolve all conflicts .....

3 THE COMMISSIONER: They are afraid of  
4 arbitration, why, because they may lose, they may not  
5 get all that they are seeking. That is what they fear  
6 just as you do. So, it is not always the assumption of  
7 success that they go into these controversies.

8 MR. RIGGIN: No, but if you are going  
9 to have binding arbitration, you are going to have a  
10 situation ---

11 THE COMMISSIONER: I don't say that binding  
12 arbitration is the cure-all. I am inclined to say  
13 that your position is very strong when you limit that  
14 to what we call essential services where the public  
15 interest is and because we have it. It is unnecessary  
16 to speak of those who are compelled. What is  
17 happening in the United States when they are trying to  
18 compel them to go to Viet Nam, and face the possibilities  
19 of a miserable death. There is a compulsion and they  
20 haven't any bargaining rights there, and we haven't  
21 any in the police and we haven't any today in the  
22 hospitals. So when the public interest reaches a certain  
23 weight and a certain force then the individuals must  
24 surrender because their lives depend on the solidarity  
25 of the community.

26 MR. RIGGIN: Indeed, and our submission  
27 is simply that in most situations employers' trade  
28 unions and employees have not yet come to such a state.

29 THE COMMISSIONER: No, but the trouble  
30 is, there is no economic principle to decide the strength





1 or the degree of satisfaction of an emotional demand.  
2 Each side wants to keep what it has and one side wants  
3 to give more. Both sides want to give more if they  
4 want to get more profit and they want to get more wages.  
5 It seems to me that the only thing that you<sup>really</sup> could have,  
6 and I dare say it is impossible of application,  
7 is to measure the terms of what you might call a decent  
8 life for the workers of the country and to see what  
be necessary to  
9 would/enable them to live as we would desire that they  
10 should live. You can compute that in terms of money.  
11 They did that in establishing what they call the basic  
12 wage in Australia in about 1907. A very able member  
13 of the Supreme Court - he was given the task of  
roughly  
14 establishing what would correspond/with our minimum  
15 wage, and he would take a family of a husband and wife  
and  
16 and three children/what will it cost them to live in  
17 a manner that would be tolerated by the community. That  
18 is the basic thing. Then, in addition to that, they  
19 said we will have another level which we call a margin  
20 and in that margin will be the recognition of different  
21 scales of technical training and abilities. And they put  
22 that other level not as a maximum at all, but as a minimum.  
23 So you have those two minimums established in Australia  
24 which really go to this. The sufficiency of material  
25 needs of living in a manner that would be approved  
26 of by the general reasonable judgment of the community.  
27 Now, I don't suggest that we can establish that here at  
28 all, but, so far as I have been able to learn, that is  
29 the only basis upon which you could reduce the human  
30 demand to the terms of money in the crude sense.





1 MR. RIGGIN: But, Mr. Commission, our disputes,  
2 I don't know of any in recent history that would involve  
3 this minimum. Our disputes are caused by this margin.

4 THE COMMISSIONER: I am simply saying that  
5 there is one way in which you could adopt criteria  
6 that are rational and would give you some real basis  
7 upon which to base a maximum. But I mention that only  
8 to illustrate the difficulties between the employers  
9 and employees of how to determine how much of the  
10 product which we are both interested in is to be dis-  
11 tributed to one and to the other. It is impossible to  
12 say that it can be rationally done because you haven't  
13 got the standards to apply to it.

14 MR. RIGGIN: Well, perhaps our position is  
15 perhaps too simply stated it when I say that we believe  
16 truly that the tugs and the pulls of collective  
17 bargaining have, generally speaking, worked those  
18 things out themselves over the years, except for these  
19 odd problems that are created by government conduct,  
20 over-employment, if you will, and we come back to some  
21 lack of responsibility exercising responsibility  
22 commensurate with the privileges and we feel that these  
23 are the things that should be attacked and cleaned up  
24 and then, with the greatest respect, we believe our  
25 existing system would function even better than it  
26 does, which we think is not bad.

27 THE COMMISSIONER: Well, in the overall  
28 picture, yes. I remember in connection with the  
29 coal investigation, there were about 40,000 miners  
30 in West Virginia who were thrown out of work. Mining



1 was the only thing that could be carried on. They  
2 had nothing. They would make high wages and spend  
3 everything they had. There were 40,000 of them there  
4 with their families who were doing nothing, and one  
5 of the senators, I think it was Senator Randolph of  
6 West Virginia wrote to President Eisenhower and said,  
7 "I write this as a citizen, not as a Senator", and he  
8 asked him what could possibly be done to help those  
9 men. The only thing that was open to them by the  
10 State was that they would be advanced money by way of  
11 loans if they wanted to establish a new industry. In  
12 his reply, the President referred to the general effect  
13 of private enterprise in the United States. He said  
14 we have achieved so much in the way of a total product,  
15 up in the billions, in some respects and I am not  
16 sure, he didn't refer to the wages of the miners in  
17 other places but he spoke generally of the magnificent  
18 economic result over the entire country and there  
19 wasn't one syllable referring to the 40,000 men who  
20 were helpless. Now, therefore, all I point out is that  
21 these general statements carry a certain weight with  
22 them, but they have a tremendous wastage.

23 MR. RIGGIN: This is true, but as a  
24 sequel to your story, Mr. Commissioner, several of  
25 the major mining companies in the United States took  
26 a lot of those people to the western mines and they  
27 stayed long enough to get money for a train ticket  
28 home at good paying jobs. Those people just wouldn't  
29 leave that area.  
30





1 THE COMMISSIONER: That is quite true,  
2 and one man said he obtained the highest wages for a  
3 miner at \$25.00 a day and it was at the cost of  
4 anybody who was unnecessary. He did it and he boasted  
5 about it and I am not criticizing his doing it at all,  
6 but that was the result of the technical advances  
7 and power of the United States people because it  
8 reduced the force by almost one-third.

9 --- (Ten minute recess)

10  
11 MR. POLLOCK: I think we were at Item  
12 10, the right to operate during a strike.

13 MR. RIGGIN: Well, that statement, Mr.  
14 Commissioner, speaks for itself in our view. We  
15 believe the extent to which trade unions have grown  
16 today and the force and the power that they can  
17 exercise, that an employer would be forced to shut  
18 during the life of a strike, he would simply be put  
19 out of business.

20 THE COMMISSIONER: Well, in a large  
21 industry, that is what actually takes place. You  
22 are stopped.

23 MR. RIGGIN: But there is a major  
24 difference in choosing to cease operations and being  
25 forced to do so under law.

26 THE COMMISSIONER: Well, take any  
27 plants here. Their men hold together and they go  
28 out on strike. That closes down production.

29 MR. RIGGIN: There is no doubt about  
30 that, sir.



1 THE COMMISSIONER: Well, I don't see  
2 then that this would apply. You can't operate because  
3 you can't get the men.

4 MR. RIGGIN: But if employees or  
5 strangers, if you will, wish to come and work on the  
6 conditions that we are prepared to pay ---

7 THE COMMISSIONER: I am not dealing  
8 with generalities, I am dealing with realities of  
9 the situation here. You take any industry here that  
10 employs 6,000, 7,000, 8,000 or 10,000 men and they  
11 all go on strike, what is the purpose in talking about  
12 maintaining production there? You haven't got the  
13 men and you can't get them.

14 MR. RIGGIN: No, we realize that.

15 THE COMMISSIONER: Well, all I say  
16 is that at the upper level, the situation is that  
17 the strike does close up the works, and, therefore,  
18 you come down to the smaller industry and that will  
19 depend on the <sup>the</sup> size and skill of/skills. You have  
20 no skills, medium skills or high skills and take  
21 350 men in a plant. If it is high skill, you can't  
22 replace them in normal conditions, and especially  
23 when we are talking about full employment.

24 MR. RIGGIN: It might not only come  
25 down to the small employer, but it might come down  
26 to a few key employees in a large plant or mine.  
27 They can shut a large mine down with 10 or 12  
28 operating engineers.

29 THE COMMISSIONER: Well, if those  
30 employees belong to a union and they go on strike,





1 what are you going to do?

2 MR. RIGGIN: You can have supervisors  
3 or get in some other people who will do it.

4 THE COMMISSIONER: Well, we are  
5 assuming that they have a skill that is not generally  
6 possessed by people. It all depends on the degree of  
7 skill. You have some electronics masters who can't  
8 be duplicated. So, those are the conditions and,  
9 speaking with any degree of generality at all, I  
10 think it comes down to this. What is the position of  
11 the small manufacturer who may be very valuable to a  
12 community. Now, can he replace his men and if they  
13 are highly skilled, the probabilities are that he  
14 can't.

15 MR. RIGGIN: Well, with all respect,  
16 I am suggesting that you are putting too much emphasis  
17 on this loss of skill because they are on strike.

18 THE COMMISSIONER: I am not suggesting  
19 that if you have men in you plant who are foremen or  
20 supervisory officers and they see fit to do that,  
21 why of course, the employees are there. I have in  
22 mind bringing in outsiders, that is all.

23 MR. POLLOCK: Of course, so far as  
24 the bargaining unit is concerned, the supervisors  
25 and other personnel are outside the bargaining unit.  
26 As far as trade unions are concerned, these are outside  
27 people.

28 MR. RIGGIN: Yes, but trade unions ---

29 MR. POLLOCK: That is as opposed to  
30 bringing back people from the trade union who want to



1 do the work voluntarily. You are suggesting here  
2 that if management wishes to continue operations  
3 it has the right to do so and those employees  
4 who do not support the strikers that they have a  
5 right to work. I think the Commissioner has said  
6 agreed,  
7 that is probably/but what he has said that it is not  
8 feasible if you have a whole production unit that  
9 goes out, to try and replace all those people.

10 MR. RIGGIN: Oh, no, we can see that,  
11 of course.

12 MR. POLLOCK: The only problem that  
13 arises in the example you gave of the operating  
14 engineers or hoisting engineers, whatever you call  
15 them, 12 people may go off and if you couldn't replace  
16 them or if you couldn't use supervisors at all even  
17 on overtime rates and working long shifts of a  
18 6,000 or 7,000 production unit, they would have to  
19 go out as well.

20 THE COMMISSIONER: I don't want to  
21 refer to Australia as a country that has achieved  
22 so much at all, but when they have a strike they  
23 never think of doing anything else but closing. Their  
24 men go out and there is no question of replacing them  
25 and there is no question of any failures in the  
26 strikers to go out. There is a strong union bond  
27 there and these are two matters, the picket line and  
28 the strike breaker, they are not active factors  
29 at all in a strike.

30 MR. RIGGIN: So then what happens,  
Mr. Commissioner, when they arbitrate these bases





1 and margins and they arbitrate the conditions of work  
2 and the trade union says we still/accept it?  
won't

3 THE COMMISSIONER: That is true. Their  
4 disputes are really all above the line of the margin.  
5 They get these margins which are minimal and then  
6 they negotiate above. They may not be  
7 able to negotiate and there is a law forbidding the  
8 strike, but as we in this country do, so do they, and  
9 by different kinds of procedural requirements that  
10 point of no return, <sup>at</sup> that point they are face to face  
11 with/ <sup>the</sup> imposition of a penalty for striking, it is  
12 put as far off as possible and there are fines and  
13 many are collected and some are not, but they work  
14 out as a whole and take a period of years, I would  
15 say, from the evidence that was given to us, their  
16 position was given to us.

17 MR. RIGGIN: Perhaps if the disputes  
18 in the Ontario Mining Industry are not really par  
19 for the Australian course, shall we say. For example,  
20 that Mount Iza dispute went on longer than any major  
21 dispute we have had in this country.

22 THE COMMISSIONER: Yes, they have  
23 had that.

24 MR. RIGGIN: Mind you, there were  
25 communistic influences and other suggestions of other  
26 influences in it.

27 THE COMMISSIONER: Well, let me  
28 mention this, and I think this is a rather significant  
29 point, in 1946 and 1947 they had a strike/ <sup>of the miners.</sup> It was  
30 a serious strike because the whole economy depended



1 on coal and it was a labour government in power and  
2 they wouldn't budge one inch from the enforcement of  
3 the level of the margin that had been obtained by a  
4 court, and they called upon everybody to resist that  
5 and it was resisted. I think the Prime Minister was  
6 Mr. Chiffley. But that is an exceptional thing.  
7 They / have many strikes here but many of them were all  
8 settled in an hour and I think you will find that -  
9 of course, you may not and I may not - but certainly  
10 at the present time, as was stated yesterday by Mr.  
11 Pollock, there is no question at all that that present  
12 apparatus of procedure and determination is one that  
13 is generally acceptable to both sides.

14 MR. RIGGIN: With all respect, you are  
15 faced with the same situation here. Collective  
16 bargaining, as we know it, is generally acceptable  
17 to both sides here.

18 THE COMMISSIONER: In some respects  
19 it is. In a great many cases you do settle these  
20 but, at the same time, we have had and there is  
21 feeling which has been justified in the past few years  
22 by some consequences of those strikes, a feeling that  
23 there is a disturbing element in the relations between  
24 management and men.

25 MR. RIGGIN: We believe that to be  
26 found everywhere, My Lord, but - and this is the very  
27 point that we are trying to make - in this section  
28 and also in this picketing section, the right to  
29 operate, even though a law were passed to say there  
30 would be no more pickets and there would be no hiring





1 of strike breakers, what if the parties go ahead and  
2 do it anyhow. Because this is what our disputes are  
3 about now, it is a breaching of the law.

4 THE COMMISSIONER: But your disputes  
5 in some cases are due to a failure on the part of  
6 strikers to understand the meaning of the words that  
7 they use. They talk about a picket line, but when  
8 you come to get down to the roots of a picket line  
9 it means that we have a right to stop people from  
10 going in and out of a plant.

11 MR. RIGGIN: That's in the view of  
12 the union?

13 THE COMMISSIONER: Yes, in the view  
14 of the union, and this is what they feel too. They  
15 feel that after they have spent twenty years in an  
16 industry, they have given the best part of their lives  
17 to that industry and they have a place in it and the  
18 one infuriating circumstance is to feel that someone  
19 else is occupying that space unfairly. Now, that is  
20 the reality, whether it is justified is not the question.  
21 It doesn't lend itself to rational appeal. After twenty  
22 years of work you know, a man is pretty well settled  
23 for the rest of his life and that is a fact. Now, the  
24 question is, can any adjustment be made that will not  
25 be unfair to the management, to the industry itself.  
26 Can it adjust itself to certain changes and still  
27 furnish a function that is so important and which,  
28 in the hands of the leaders, in North America. and  
29 the whole of the western civilization, has been able to  
30 produce such incredible results of success.



1 MR. RIGGIN: Well, those results have  
2 basically been helped along and nurtured, we submit,  
3 by the very system of collective bargaining that we  
4 have.

5 THE COMMISSIONER: No doubt it has  
6 been free. But you know, there is nothing at all, and  
7 no idea that you take and possess and go logically  
8 to an extreme that doesn't produce its own contra-  
9 diction. So, we have to remember that the law of  
10 life is the balance or the medium. The conditions of  
11 society today are reaching the point where adjustments  
12 are taking place from day to day. Today we are  
13 examining the economic returns of every week. Tomorrow  
14 we will be looking at it from every day almost, and  
15 the government has become so completely involved in  
16 it in the declaration of a universal employment or  
17 continuous employment, that you cannot disregard the  
18 fundamental change that has taken place. I am  
19 mentioning these things only to create, at least,  
20 what I think is the necessary background for the  
21 consideration of some of these questions. The  
22 preservation of leadership and the preservation of  
23 initiative and the preservation of inventiveness,  
24 those are all to be left alone to the operation of  
25 those forces that have enabled us in the last century  
26 and a half in North America or two centuries, to  
27 achieve what has been achieved out of the great  
28 natural resources that are laid open to the strong,  
29 the prosperous and the most ingenious. All we have <sup>to do</sup> / is  
30 to look abroad in North America to see the difficulties



1 that are being raised because they are spending hundreds  
2 of millions of dollars on education, educating men  
3 into what, into subordination, into subservients? No,  
4 into them  
5 putting ideas / that many of them are not fit to  
6 control. We have emphasized the rights and we have  
7 all been guilty of that, and we very seldom hear the  
8 small voice of responsibility, and leadership has got  
9 to take its share of responsibility because it is the  
10 one group that can more sensitively appreciate its  
11 responsibility.

11 MR. RIGGIN: That is fine, it is  
12 excellent, and it may be that the time has come for  
13 some changes. The point that we are trying to make  
14 to you here, Mr. Commissioner, is simply this. We  
15 now have some laws whether people like them or not.  
16 Trouble starts because those laws are disregarded and  
17 breached. Now, let us assume for a moment that the  
18 time has come for new laws and new approaches. What  
19 are we going to do if people still don't like those  
20 laws and they choose to ignore them. We are not  
21 going to be any further ahead than we are now.

22 THE COMMISSIONER: Only this, that  
23 under a regime of law, you must have a general accept-  
24 ability of those laws by the mass of people. That is  
25 the essential condition for the respect of law. That  
26 they feel this is fair. We can't define fairness  
27 very clearly. It is a vague mixture of ideas and  
28 emotion, but you have to have that to a satisfactory  
29 degree. Now, there seems to be evidence that in some  
30 cases that hasn't been attained, and we can advance





1 only by small steps. That has been the history of  
2 mankind. I think that the way you put it is<sup>a</sup>/satis-  
3 factory way. And any change in our regulation has got  
4 to be one that is dictated by the immediate present.

5 MR. RIGGIN: Or we are going to have  
6 as much trouble as we have now if, indeed, not more.

7 THE COMMISSIONER: But, then again,  
8 you have to approach the reasonableness of its  
9 acceptability. I don't know how I can put it in any  
10 other words.

11 MR. POLLOCK: Well, before you get  
12 off that point, I think the next previous point and  
13 the right to operate are linked and it occurs to me  
14 that when you talk and when I criticized your dis-  
15 cussion of merit, there was some merit in the use of  
16 the term and I think it is this, if I understand your  
17 position. That the reasonableness of the demands  
18 of the union are tested in a strike in the marketplace  
19 by examining or seeing whether there is anybody in  
20 the labour force or prepared to work under the con-  
21 ditions the employer is prepared to offer. That is  
22 the type of merit that you are talking about. There  
23 is an actual testing of the economic position by  
24 economic reality.

25 MR. RIGGIN: Oh, yes, and, indeed, in  
26 this day and age and perhaps not recently, but perhaps  
27 even<sup>in</sup>/the last eighteen months, but wages have not been  
28 playing that big a part in all the disputes as we all  
29 know. We are long gone by paying a living minimum  
30 wage, certainly in our industry. There are things



1 much apart from wages that come into play and become  
2 major issues in collective bargaining that result in  
3 disputes.

4 MR. POLLOCK: Well, I think if your  
5 argument is based on the argument that you ought to  
6 be able to test the reasonableness of the claims  
7 outside by seeing if there is anybody else to come  
8 in and that would only apply to the production unit  
9 or to the unit that is on strike in the sense that you  
10 should say, "Well, all right, is there anybody outside  
11 who wants to come in and work on these terms". It  
12 wouldn't apply to the question of employing supervisors  
13 at a higher rate overtime in an effort, or bringing  
14 in outside people at higher rates to defeat the strike.

15 MR. RIGGIN: Well, I have the feeling,  
16 Mr. Pollock, that you and the Commissioner think there  
17 is nothing wrong with that, but most trade unions  
18 wouldn't agree with you. This, of course, was the  
19 oil company situation in Clarkson.

20 MR. POLLOCK: I hope I haven't  
21 committed myself to accepting that.

22 MR. RIGGIN: Well, perhaps I misunder-  
23 stood your position, but let us assume then that if  
24 the bargaining unit people who were on strike stayed  
25 away or stayed on strike, and there was some pro-  
26 hibition on the employer in replacing those people,  
27 it would still be all right with the bargaining unit  
28 or with the supervisors if you could do it because  
29 they are employees and they are in the plant.

30 MR. POLLOCK: No.





1 MR. RIGGIN: This is highly unacceptable  
2 to the union.

3 MR. POLLOCK: I think the discussion  
4 with the employees was the employees in the unit that  
5 have gone out and gone back in again, and giving them  
6 the freedom to decide themselves as to whether or not  
7 they are going to stay on strike or go back to work.

8 MR. RIGGIN: Well, of course, they  
9 have this now.

10 MR. POLLOCK: I don't want to  
11 articulate the Commissioner's position and perhaps he  
12 can explain it.

13 THE COMMISSIONER: I don't know what  
14 you are charged with now, I must say I wasn't follow-  
15 ing. What had you in mind?

16 MR. RIGGIN: Well, let me repeat it  
17 so you can deny it. I thought there was some thought  
18 on your part, Mr. Commissioner, that if a strike were  
19 in progress and the employer were not allowed to  
20 replace the striking employees with strangers or third  
21 parties there would be nothing wrong in the supervisors  
22 carrying on then.

23 THE COMMISSIONER: I thought I made  
24 that perfectly clear that you could.

25 MR. RIGGIN: My only point, sir ----

26 THE COMMISSIONER: I daresay it would  
27 be and many of these things are not only unacceptable  
28 to the trade union but to you. But what we are trying  
29 to work out is to see if we can get any ideas that  
30 would modify the present conditions that would lead to



1 better conditions, that is all.

2 MR. RIGGIN: I simply raise it because  
3 of our agreement that good laws to work well should be  
4 acceptable and need to be fair in the minds of every-  
5 body.

6 THE COMMISSIONER: Exactly, and when  
7 you get a concession here it makes you more acceptable  
8 over here.

9 MR. RIGGIN: Yes, that is what  
10 collective bargaining is about.

11 THE COMMISSIONER: All I can say about  
12 collective bargaining is that it is a beautiful phrase,  
13 but it hasn't produced the results that are claimed  
14 for it, certainly in many cases. We wouldn't have  
15 this investigation if it were successful. You see,  
16 that is the claim that has been made in every, you  
17 might say, new starting point. There was les affaires  
18 which was well founded on the conceptions of that.  
19 Here was a man with property and he was going to put  
20 that property to use; and he was like a small kingdom  
21 in himself so far as that property was concerned and  
22 he invited you and me and somebody else to come in  
23 and work with him on certain terms. Now, those con-  
24 ceptions were perfectly clear and they were perfectly  
25 justified by the existing social conditions, and then  
26 what happened. They found, and I think it is fair  
27 to say that the objection was first towards the  
28 employer. He was making in plain terms  
29 tremendous profits and the people with rising prices  
30 and one thing and another, couldn't maintain any



they  
1 standard of life which, / thought they were entitled to.

2 We say now that les affaires is out the window  
3 and I don't think anybody, except there / prominent man is a  
4 in politics in Great Britain today who has come out,  
5 Mr. Powell I think, he is a cut and dried and dyed  
6 in the wool individualist. At the present time, we  
7 are not accepting that exclusive individualism.

8 I believe individualism certainly. It  
9 used to be that you bought your water from a private  
10 distributor and it was taken over by the community.  
11 Who, today, would change that?

12 MR. RIGGIN: But not the people in  
13 the community but, Mr. Commissioner, I don't wish to  
14 go into the philosophy behind the appointment of the  
15 Commission but surely you were not appointed because  
16 collective bargaining has collapsed.

17 THE COMMISSIONER: Not collapsed, no,  
18 but the fact that there are certain disturbances in  
19 the social life of the province that were looked  
20 upon as calling for some examination.

21 MR. RIGGIN: But the very debate that  
22 we are having here in submissions back and forth and  
23 the reporting on proceedings before you in itself  
24 already, in my view, has done tremendous good work  
25 in the relationship of employers to trade unions.

26 THE COMMISSIONER: You think the  
27 process of this Commission has done that?

28 MR. RIGGIN: Already, certainly. New  
29 ideas have come forward.

30 THE COMMISSIONER: Well, I am glad to





1 hear that, but I think that is one idea of any commiss-  
2 ion, to see if there can be suggested some ideas that  
3 can be taken up. My application isn't fixed at  
4 all. I mean, it is simply, I think it helps the  
5 situation to see new aspects of the problem.

6 MR. RIGGIN: I think that has already  
7 been achieved to some degree.

8 THE COMMISSIONER: Well, that is so  
9 much for the better. But, it would be nice if we  
10 could get through this by washing it all off and saying  
11 our objects are achieved. May I say this also. There  
12 may be questions arising in not the generality of  
13 situations in which you are not, or which these,  
14 for instance, these particular proposals are not  
15 sufficient to meet special conditions. While I  
16 haven't any doubt that they can be met and be met  
17 reasonably by re-adjustment. For instance, if you  
18 have, as we have suggested before, you may have a weak  
19 employer, a small employer and a powerful union because  
20 we agree that some of the unions are just as powerful  
21 as many of the industries. But adjustments can be  
22 made. You can admit the employment of outside persons  
23 to do anything that will enable that industry to be  
24 saved, unless it is doomed by reason of its own  
25 inherent weakness.

26 MR. RIGGIN: Who, sir, is going to  
27 have the wisdom to decide that in each case?

28 THE COMMISSIONER: I think it is very  
29 simple. You can have, as other countries have, an  
30 industrial court composed of the best men available



1 in such a thing as a province. They have tested this  
2 out in Australia, this question of the acceptability  
3 of boards because the influence and coercion of  
4 office has produced first-class men in that country.  
5 Men who have come up through both ranks, that is,  
6 management and employee and in many cases we find  
7 that they have transferred their acceptability. The  
8 labour men to the employer and the employment men to  
9 the labour or the union. They have no such question  
10 as we are discussing now in Australia, but they have  
11 difficult questions and would you suggest that you  
12 haven't got the intellectual and moral qualities in  
13 Ontario that could balance an over-powerful union,  
14 say, and a weak industry?

15 MR. RIGGIN: We will match our people  
16 with the Australians any day in the week, but ---

17 THE COMMISSIONER: Well, that is in  
18 the producing of the men, I think so, and, therefore,  
19 if it is a question of maintaining balance of power  
20 and limiting it to the strength to await the issue of  
21 endurance, then the balancing of that power, I think,  
22 is relatively easy so far as the employer would be  
23 concerned with what he can do without any restrictions.

24 MR. RIGGIN: In effect, that would be  
25 arbitrating a dispute?

26 THE COMMISSIONER: That is not arbitra-  
27 ting at all, it is enabling him to act as he can today.

28 MR. RIGGIN: With all respect, sir, if  
29 you say that "this trade union is too powerful in this  
30 situation and this employer is too weak, I am going to let





1 him hire some strike breakers," you have come down on  
2 the side of the employer and you have killed that  
3 trade union, you have arbitrated it.

4 THE COMMISSIONER: That is the  
5 employees' concern, not yours. I am talking about a  
6 powerful union and a weak employer.

7 MR. RIGGIN: Well, let us take the  
8 situation that we just explained.

9 MR. POLLOCK: You are being a devil's  
10 advocate for the moment.

11 MR. RIGGIN: Sure, and the union says  
12 we won't have any part of that.

13 THE COMMISSIONER: Well, I think we  
14 ought to leave that to the trade union. I don't know  
15 why you here are arguing the case of the trade union.

16 MR. RIGGIN: Because we have become  
17 the ham in the sandwich, sir. Let us assume that this  
18 small plant is a key supplier for us.

19 THE COMMISSIONER: In a small plant  
20 it may be that the plant is subject to the overwhelming  
21 power of a union and there have been cases in which  
22 that industry was destroyed, not many, but there have  
23 been.

24 MR. RIGGIN: Yes, there has been the  
25 odd one.

26 THE COMMISSIONER: Well, let me proceed.  
27 They do reach a point where a strike is declared. If  
28 the small plant is in a position to get men and are  
29 refused them, then it adds so much more to its difficulty  
30 in meeting the onset of the struggle and if you open



1 the door so that they can do today what is the only  
2 thing available to them, employing new men, do you  
3 mean to say that that is harmful to the employer?

4 MR. RIGGIN: That is good for the  
5 employer and he can do that now.

6 THE COMMISSIONER: That is what I am  
7 saying, I am quite aware of that. I am saying that  
8 that restriction is removed. Now, your only answer  
9 to that is that the trade union won't accept it. I  
10 don't think that is an answer at all. I am asking  
11 you for the answer from the point of view of the  
12 employer, because you were suggesting ----

13 MR. RIGGIN: The next time your man  
14 of wisdom comes down on the side of the trade union.

15 THE COMMISSIONER: To do one thing  
16 that you suggested at the outset, the balancing of  
17 the power.

18 MR. RIGGIN: But he is, in effect,  
19 arbitrating the dispute.

20 MR. POLLOCK: Well, perhaps he is  
21 handicapped in there.

22 THE COMMISSIONER: He is not arbitrating  
23 the dispute at all. He is trying to maintain  
24 and is trying to support a weaker antagonist under  
25 existing general regulations. And this is all  
26 supposition. Suppose the rule is that you can't  
27 employ strike breakers as a generality to be applied.  
28 Here you have a situation where with 150 employees  
29 he has got to do that or he goes under. All I say  
30 is that there is an inequality established which



1 violates the assumption that lies at the foot of a  
2 strike, that there is reasonable equality, that one  
3 can endure a certain time at least. All I am suggest-  
4 ing is that if/<sup>the</sup>threat is made and threats have been  
5 made to destroy a man or destroy an industry, he  
6 would be relieved from the restrictions that are now  
7 imposed upon him in the way of opening the doors to  
8 anyone who is willing to work for him.

9 MR. RIGGIN: Well, with the greatest  
10 respect, Mr. Commissioner, such a situation, in my  
11 view, would compound and propound more disputes than  
12 we now have.

13 THE COMMISSIONER: Well, that is not  
14 a difficult statement to make, but I would like to  
15 see you analyze it and reason it out, as to why it  
16 should. What are /<sup>the</sup> difficulties that would arise?

17 MR. POLLOCK: I think you raised one  
18 earlier, Mr. Riggin, when you said that trade unions  
19 and companies have to assess their viability in a  
20 strike situation. Are they going to be strong enough  
21 to succeed on their point. Then the question is, if  
22 they /<sup>aren't</sup> going to be strong economically, then they  
23 will modify their reason that they suggest that their  
24 power will be balanced off and perhaps they will try  
25 it on a strike.

26 MR. RIGGIN: That is right and with  
27 the effective help of highly qualified mediators and  
28 conciliators, either or both parties will be brought  
29 to see the light and they usually are.

30 THE COMMISSIONER: Well, there is





1 nothing in that that is incompatible with the supposi-  
2 tion we are proceeding on.

3 MR. RIGGIN: No, no, I am not suggest-  
4 ing there is.

5 THE COMMISSIONER: Then, why wouldn't it  
6 be effective?

7 MR. RIGGIN: In that case you have  
8 outlined, the trade union would never, ever, in effect,  
9 lose the work stoppage, would it, sir, or lose the  
10 strike?

11 THE COMMISSIONER: I don't know what  
12 the resources of that industry would be. If it were  
13 able to go on and work, there would be no interference.

14 MR. RIGGIN: But then you would be in  
15 the position of having a politically appointed party  
16 from the Board, whoever it may be, a single individual  
17 or a number of people, in effect, killing the trade  
18 union in that situation.

19 THE COMMISSIONER: Why do you say  
20 political? I am not concerned with politics at all.  
21 This is a Board or a Court.

22 MR. POLLOCK: I think Mr. Riggin said  
23 it was a board appointed by the government.

24 MR. RIGGIN: Yes, it would be a govern-  
25 ment appointed tribunal.

26 THE COMMISSIONER: What is the objection  
27 to a government appointment. Why mention that<sup>it</sup> is a  
28 government appointment. I am assuming that we have  
29 men capable of doing that in this community.

30 MR. RIGGIN: Well, this perhaps comes



1 back to one of the underlying themes in our whole  
2 submission to you. If you are talking, in effect,  
3 about the judge, then we have a great deal more  
4 faith in the situation, than in administrative  
5 tribunals.

6 THE COMMISSIONER: I agree with that,  
7 that you have to have and must have confidence and  
8 trust and respect in such a tribunal. There is no  
9 doubt about that in the world. I think sometimes  
10 that there is not a full acceptance of that that leads  
11 to some of the trouble.

12 MR. RIGGIN: Well, the one point that  
13 I feel we are not making with you, Mr. Commissioner,  
14 is this, that in a dispute either the trade union or  
15 the employer is told that he is too strong and steps  
16 are taken to strengthen the other party or weaken  
17 him to try and bring about a balance. My submission  
18 is that a person or board or judge who says that in  
19 effect, has decided the dispute. He hasn't fixed  
20 the wages, he hasn't set the hours but he has fixed  
21 the dispute.

22 THE COMMISSIONER: Well, I wouldn't  
23 accept that at all, but the idea is one that has been  
24 suggested to this Board, and I am simply trying to  
25 find out its validity.

26 MR. RIGGIN: I think it goes without  
27 saying that he has automatically lost the trust of  
28 the other party as well.

29 THE COMMISSIONER: I think I am in a  
30 position to be able to form a judgment on that, and I





1 wouldn't agree with it.

2 MR. RIGGIN: In the area of labour  
3 and management relations, this seems to be what  
4 happens.

5 THE COMMISSIONER: There was nothing  
6 like this in the earlier stages.

7 MR. RIGGIN: But I am analogizing to  
8 judges and grievance arbitrations and labour  
9 board situations to industry and labour boards.

10 THE COMMISSIONER: What is your  
11 deduction from that?

12 MR. RIGGIN: It depends on the  
13 decision at the time. If a trade union feels it is  
14 done in, they are considerably upset.

15 THE COMMISSIONER: What you are over-  
16 looking entirely is that the trade union has received  
17 no benefit without which it was not, or the scheme, or  
18 the existing apparatus was not acceptable. They  
19 have been the beneficiaries of something that must  
20 be weighed against their handicap, whatever it  
21 may be, as a result of the balancing forces. What  
22 is it they want? They want a strike breaker disposed  
23 of above everything. They resent him more than any-  
24 thing. If they get that, do you think they are  
25 entitled to everything else, or that they would ask  
26 for everything else?

26 MR. RIGGIN: Well, if they get that,  
27 they don't need anything else.

28 THE COMMISSIONER: All the suggestion  
29 being made is that in certain conditions what they  
30 get will have to be qualified in order to save



1 something that is of benefit to the community. Now,  
2 those are simply ideas that revolve around a certain  
3 suggestion, that is all.

4 MR. RIGGIN: But it is tantamount  
5 almost to full proprietary interest in a job unless  
6 some tribunal takes it away, in effect.

7 THE COMMISSIONER: You could leave it.  
8 You may leave that industry as it is and it may go  
9 under. Would you prefer to have that?

10 MR. RIGGIN: If it is uneconomic, it  
11 is going to go under in any event.

12 THE COMMISSIONER: Then the tribunal  
13 can take that into account, that it shouldn't exist  
14 anyway. Now, I appreciate this discussion because  
15 it is bringing out all the aspects, and that is what  
16 we would like to get from you. Because that is at  
17 the root of the greater part of the trouble that has  
18 erupted in this province and is on the boards for  
19 eruption.

20 MR. RIGGIN: Well, it would be very,  
21 very difficult to police, indeed. May I summarize  
22 it this way, in effect this is what we are looking at.  
23 You say that the trade union doesn't like strike  
24 breakers. The employer doesn't like the picket line.  
25 Let us neutralize it and get rid of both of them.  
26 Now, how are we going to police this. What happens  
27 to the strikers, the employees who do not wish to go  
28 back on present terms.

29 THE COMMISSIONER: They may assemble  
30 in a hall or they may assemble in their homes and do



1 anything they please, except annoy that industry.

2 MR. RIGGIN: How long can they do that?

3 THE COMMISSIONER: How long will they  
4 be on strike?

5 MR. RIGGIN: I mean, without losing  
6 their job.

7 THE COMMISSIONER: Their present job  
8 will continue as long as the strike lasts.

9 MR. RIGGIN: Well, this is usually  
10 settled in the bargaining that settles the strike.

11 THE COMMISSIONER: Well, this doesn't  
12 interfere with the bargaining process. It may proceed  
13 unaffected by anything that is being suggested. Of  
14 course, the bargaining process is there. It is the  
15 last thing in the world that ought to be interfered  
16 with. When you get two people who want to discuss  
17 and negotiate, of course they are at liberty to do  
18 that and they see the results. If there is a strike,  
19 certain conditions will take place, that is all the  
20 argument amounts to.

21 MR. RIGGIN: Well, let us say that some  
22 of these striking employees wish to go back in.

23 THE COMMISSIONER: Well, they go, the  
24 door is open to them.

25 MR. RIGGIN: Now you have opened the  
26 whole realm of relationship of the union member to his  
27 union.

28 THE COMMISSIONER: But that is a question  
29 for the union, not for the employer.

30 MR. RIGGIN: Why not, sir, we are





1 vitally interested.

2 THE COMMISSIONER: If a man wants to  
3 come to work, you will accept him. If he wants to  
4 stay out, he has a right to stay out and you won't  
5 have the benefit of his work.

6 MR. RIGGIN: Well, what if the trade  
7 union is going to fine him for coming to work?

8 THE COMMISSIONER: That may be within  
9 their power.

10 MR. RIGGIN: Then we are not going  
11 to have anybody come to work.

12 THE COMMISSIONER: Well, you won't,  
13 if they continue to strike.

14 MR. RIGGIN: So, even people in the  
15 bargaining unit who are on strike, but some who might  
16 want to come to work can't come.

17 THE COMMISSIONER: But what do they  
18 do today?

19 MR. RIGGIN: Some of them will come  
20 eventually.

21 THE COMMISSIONER: Do you think they  
22 wouldn't come even more quickly if the door was open  
23 and there was no obstruction and no one to intimidate  
24 them?

25 MR. RIGGIN: But not with some trade  
26 unions, sir.

27 THE COMMISSIONER: Well, I can't see  
28 any logic in your position. Today, those people are  
29 held back by a picket line. They are held back,  
30 among other things, by a picket line. The success of



1 the strike depends on the solidarity of the strikers.

2 MR. RIGGIN: It certainly should.

3 THE COMMISSIONER: I say that the  
4 success will depend on it. If there is not solidarity,  
5 it won't last. That is the job of the strikers or the  
6 union, they admit it. It is up to them to create the  
7 solidarity, and not you. All you have to do is to  
8 say, "What is the situation today," without these  
9 supposed ideas'. Some of them want to go back,  
10 certainly, but why won't they go back if there is  
11 less obstruction?

12 MR. RIGGIN: Well, I think they will.

13 THE COMMISSIONER: What is the complaint  
14 about?

15 MR. RIGGIN: Because the unions are  
16 developing to the point that they are creating the  
17 solidarity that you said, but it is their business  
18 alone, and not our business.

19 THE COMMISSIONER: That is true.

20 MR. RIGGIN: And maybe not the general  
21 public's business?

22 THE COMMISSIONER: It may reach the  
23 point where the individual has got to be protected  
24 in the union, but that is subsidiary to this relation  
25 between the two groups, employers and employees.

26 MR. RIGGIN: Well, it seems to my  
27 mind a very vital part of it, because if the union  
28 can exercise sanctions on people not to back to work....

29 THE COMMISSIONER: Can't they do that  
30 today?





1 MR. RIGGIN: Some of them have not  
2 progressed.

3 THE COMMISSIONER: But, can't they do  
4 it?

5 MR. RIGGIN: Well, some of them don't  
6 have the constitution.

7 THE COMMISSIONER: Can't they make the  
8 constitution?

9 MR. RIGGIN: Yes, they may be able to.

10 THE COMMISSIONER: Then, why can't  
11 they make it. They may not have it today, but they  
12 can have it tomorrow.

13 MR. RIGGIN: This brings me back to  
14 the point, another point today, that unions in Ontario  
15 should be able to operate under constitution fixed by  
16 Ontario law.

17 THE COMMISSIONER: Well, that is some-  
18 thing that hasn't been advanced very strongly, but .  
19 where it  
I can quite see/may reach the stage where the individual  
20 in the union must be protected. It may be that that  
21 point has been reached, I don't know. ... haven't  
22 reached it in that.

23 MR. RIGGIN: But my point, My Lord,  
24 is, take these unions where the members, or the member  
25 looks solely to his trade union for his pension. All  
26 they have to say is, "You go back into work or you  
27 lose your pension".

28 THE COMMISSIONER: We had some of that  
29 in Toronto.

30 MR. RIGGIN: In the I.T.U., of course.



1 How does that work there. It is all tied into this,  
2 isn't it?

3 THE COMMISSIONER: Well, it seems to  
4 me that that was almost a subject for its own enquiry,  
5 that is, the Internal Relations Board. We had two or  
6 three men who have suffered from that. We have also  
7 had men who came from, say, another community, and  
8 they were given what they call a card of some sort  
9 and then they had to await membership and the member-  
10 ship was generally, in fact refused, that is, it was  
11 carried on indefinitely and there was no satisfaction.  
12 But I agree with you that they are very important  
13 but they are important from the side of labour and not  
14 from management.

15 MR. RIGGIN: And people who are expected  
16 to take the leadership or ---

17 THE COMMISSIONER: You have an interest,  
18 of course, but not as employers.

19 MR. RIGGIN: But they are our employees.

20 THE COMMISSIONER: The only possible  
21 interest you might have as employer lies in the state  
22 of friendliness, you might say, or fairness that exists  
23 between the members of the union.

24 MR. RIGGIN: Well, surely, Mr. Comm-  
25 issioner, the relationship of employer to employee is  
26 more meaningful than the trade union to a member of  
27 the trade union.

28 THE COMMISSIONER: How much action have  
29 employers ever taken to in fact secure the position of  
30 the individual in the union, as against the union?



1 MR. RIGGIN: How much action have we  
2 ever taken?

3 THE COMMISSIONER: Yes.

4 MR. RIGGIN: Speaking for my own company,  
5 every opportunity we get to do so, we do it.

6 THE COMMISSIONER: Well, give me an  
7 idea of what you have done.

8 MR. RIGGIN: To begin with, we will  
9 have no part of full union security shops. We won't  
10 have a union shop or closed shop.

11 THE COMMISSIONER: I agree with that,  
12 but what is your real interest? You want to be able  
13 to employ the men you prefer to employ, and you are  
14 not going to have it dictated by a union. That  
15 doesn't concern the relation of the employee to the  
16 union. It concerns your right to choose.

17 MR. RIGGIN: But, sir, if we were  
18 considering a situation where a man who is part of a  
19 bargaining unit that is on strike should freely be  
20 able to come back to work at my plant if he likes my  
21 conditions and I will have him, surely to goodness  
22 it is very relevant on that situation as to the position  
23 he has with his trade union.

24 THE COMMISSIONER: Well, if he would  
25 take an earlier suggestion, he will come back and he  
26 won't belong to the union, and he is not concerned with  
27 the dismissal from the union because he does not belong  
28 to it.

29 MR. RIGGIN: Why doesn't he belong to  
30 it?





1 THE COMMISSIONER: In the first place,  
2 you won't accept it and in the second place, there is  
3 a means by which he can pay the fee and not belong to  
4 the union.

5 MR. RIGGIN: Well, forget me for a  
6 moment. Let's take a place where there is a union  
7 shop.

8 THE COMMISSIONER: Well, if the employer  
9 agrees to a union shop, then he agrees to anything  
10 That may be authorized to do/by the constitution.  
it

11 MR. RIGGIN: Well, perhaps we could  
12 close this part of it if you wish, I may be repeating---

13 THE COMMISSIONER: I beg your pardon?  
14

15 MR. RIGGIN: Well, I think we are  
16 treading into, perhaps, into very murky waters and  
17 asking for more trouble than perhaps what we have now.

18 THE COMMISSIONER: That may be, but  
19 it is a question of the weight of ideas and conceivably,  
20 putting them into practice. Various suggestions have  
21 been made.

22 MR. RIGGIN: With the mobility of  
23 labour that we have today, how are you ever going to  
24 control the situation? How do you know whether my  
25 job, I am in that bargaining unit and under this scheme  
26 I would have quite proprietary interests in it. What  
27 if I go and work elsewhere? What if I go across the  
28 country to British Columbia and work? Have I given  
29 up my right?

30 THE COMMISSIONER: Yes, I would say so.



1 You do it voluntarily.

2 MR. RIGGIN: And if I stay on strike  
3 and collect substantial union dues or strike benefits,  
4 rather.

5 THE COMMISSIONER: Strike benefits,  
6 yes, because the men have got to be preserved as well  
7 as the machines.

8 MR. RIGGIN: Would I give up my  
9 employee status?

10 THE COMMISSIONER: The Act says no.

11 MR. RIGGIN: But under this new scheme?

12 THE COMMISSIONER: There is nothing  
13 in the new scheme at all to touch that. When I say  
14 "new scheme", I refer to these ideas that we are dis-  
15 cussing. The Section 1-2 preserves that employee  
16 relationship. It is a most significant thing.

17 MR. RIGGIN: Well, I was raising the  
18 alternatives of how that would be abandoned or taken  
19 away or given up, or dissolved.

20 THE COMMISSIONER: That is a difficult  
21 thing, and I think at the present time it is more or  
22 less conceived that if the working force is replaced,  
23 in effect, de facto, the strike is looked upon as being  
24 over. There is nothing to declare that it is and  
25 there is no power to declare when a strike ends. In  
26 some cases, it is protested to be going on for years,  
27 but I think it cannot be reconciled to the circumstances,  
28 such a view. And you know, better than I do, that it  
29 has been left open in the Act, because it is a difficult  
30 thing and it depends upon the circumstances.





1 MR. RIGGIN: Well, Mr. Commissioner  
2 and Mr. Pollock, the next two points, numbers 12 and  
3 13, both deal with injunctions and they are not unlike  
4 submissions made in this respect to you by other  
5 employer groups. We feel that injunctions should stay  
6 or should be available and stay with the courts, and  
7 that the ex parte injunction certainly be preserved.

8 THE COMMISSIONER: Which ruling point  
9 are we on now, we missed number 11?

10 MR. RIGGIN: Well, I thought perhaps  
11 we covered that, but let us take it, "that the right to  
12 picket during a legal strike should be maintained, and  
13 the rules of picketing should be set out in the Labour  
14 Relations Act". Yes, perhaps we should enlarge on  
15 that very briefly. We feel that, generally speaking,  
16 the common law rules of picketing, if you will, are  
17 somewhat pretty well settled, and we feel that perhaps  
18 it is time, no matter how difficult it may be, to  
19 attempt a codification of it. Here, again, we are  
20 thinking of a method of advising everybody concerned  
21 what rights and privileges and duties do exist. It  
22 is very difficult to find any labour legislation in  
23 Canada as a whole where the word picket is used, as  
24 we all know. Maybe it is too difficult to write it  
25 out.

26 THE COMMISSIONER: Well, I think the  
27 difficulty is in accepting the reality.

28 MR. RIGGIN: That may be, but if  
29 acceptance of the existing law were to be it, our  
30 feeling and recommendation is that a very good stab,



1 if you will, should be made to codify it.

2 MR. POLLOCK: Have you any suggestion  
3 as to what ought to be the law? I am like the  
4 Commissioner, I don't think the law of picketing is  
5 that crystal clear.

6 THE COMMISSIONER: I said it wasn't  
7 crystal clear to people who set the right to picket.  
8 It is reasonably clear to other people, I believe,  
9 under the existing law.

10 MR. RIGGIN: Well, I would agree with  
11 the Commissioner on that. Certainly, there are areas  
12 that are grayer than some of the clearly defined ones.

13 THE COMMISSIONER: In interpreting the  
14 facts, they may be different. You have a demonstra-  
15 tion, and is that a picket line? Matters of that sort  
16 may be difficult, but to describe the limits of action,  
17 I think is not difficult.

18 MR. POLLOCK: I think the position is  
19 that if you continue, one of the things that has caused  
20 the greatest difficulty in this area in which we are  
21 now concerned, is that there are large segments of  
22 this community and even judges among them, that both  
23 think that the law or the common law principles are  
24 applicable and that some of the areas in which injunct-  
25 ions have been granted of the supposed law, if they  
26 are the law, they are in need of change. I think that  
27 is a fair statement of the situation. As long as the  
28 law is clear to the employer and to the judge, then  
29 the unrest continues as far as the trade union movement is  
30 concerned. It is the meaning of what is peaceful



1 picketing and what is communicating of information,  
2 all those things are unclear and are certainly unclear  
3 to me.

4 MR. RIGGIN: Well, I think, Mr. Pollock,  
5 that it is fair to say that if the trade union people  
6 generally do not like the existing law as most people  
7 think it to be and as most judges would apply<sup>it</sup>/as they  
8 think it to be. The fact of the matter is that  
9 except for the facts, that surely the principles of  
10 common law picketing are pretty well settled. They  
11 may not like it.

12 MR. POLLOCK: There is one principle  
13 that says if the right to picket and the right to  
14 trade come into conflict, then the right to trade  
15 must dominate. Now, that is not an acceptable  
16 principle. It is quoted often enough.

17 MR. RIGGIN: Does it apply just as  
18 bluntly as that if we are thinking of the Hershey's  
19 case.

20 MR. POLLOCK: It is not only applied  
21 in a secondary picketing case, it is applied right  
22 across the board in secondary injunctions. That is  
23 the attitude that prevails.

24 MR. RIGGIN: Well, such a statement  
25 in principle in applying it without other facts to  
26 go with it, surely, Mr. Pollock, is not sufficient.

27 MR. POLLOCK: I agree that it is not  
28 sufficient.

29 MR. RIGGIN: And, are there cases  
30 standing on this alone. Certainly, the Hershey case





1 doesn't stand on it alone?

2 MR. POLLOCK: But, that is the philosophy  
3 or the principle on which many laws are based. It is  
4 a question of, is that an accurate assessment of this  
5 very complex matter. Can you say that in any cir-  
6 cumstancethat when these two things come into conflict  
7 that this must dominate because that makes the whole  
8 question of picketing. If it has some affect on the  
9 trade then clearly that it what it is designed to do.

10 MR. RIGGIN: Well, if you tell me and  
11 I will accept it that it is applied all the time, then  
12 it is what you might call settled.

13 MR. POLLOCK: That is right.

14 MR. RIGGIN: Our point here is that  
15 we think our existing concepts of picketing, as we  
16 think we know it to be, are not bad and should be  
17 codified. Now, even if they are going to be changed,  
18 let us have an opportunity of codifying that because  
19 one of our biggest concerns is the gross misunderstand-  
20 ing surrounding rights and duties of a picket line.

21 MR. POLLOCK: And the case of the  
22 Aristocratic Restaurants has been overlooked for  
23 sixteen years.

24 MR. RIGGIN: That was in British  
25 Columbia?

26 MR. POLLOCK: It was a Supreme Court  
27 hasn't  
28 of Canada judgment, and there /been one judgment  
29 in the Province of Ontario that has followed it.

30 MR. RIGGIN: That is right, but the  
B.C. Labour Act of 1949 or, rather, 1959, has a few



1 different words than the Ontario Labour Act.

2 MR. POLLOCK: That was seven years  
3 afterwards.

4 THE COMMISSIONER: That case was based  
5 in part upon the legislation in British Columbia. They  
6 had two Acts there and you don't cover both of them  
7 in your one Act.

8 MR. RIGGIN: Our next two points,  
9 numbers 12 and 13, deal with the injunction. Our  
10 feeling on the ex parte injunction, we feel that it  
11 has a very real application in the mining industry  
12 when we are faced with such things as having to move  
13 very quickly. For instance, in some mining  
14 communities, services in the community itself - the  
15 hydro, power and water might be going right through  
16 the hydro plant at the plant itself and you have got  
17 to get in pumping for underground and metals in for  
18 the furnace, chimneys will crack if they are not  
19 cooled properly, and so on.

20 THE COMMISSIONER: Yes, we have had  
21 illustrations of the necessity for immediate action,  
22 otherwise the damage would be of very formidable  
23 dimensions.

24 MR. RIGGIN: Now, generally speaking,  
25 do we know / <sup>who</sup> the wrong doer is that we have time and  
26 should give notice to get on with it. But I say this is  
27 no different a / <sup>submission</sup> than we have had  
28 do feel in some parts of our industry / <sup>that</sup> this is a very  
29 real application.

30 MR. POLLOCK: Is there anyone named





1 on the other side of your ex parte injunction, or is  
2 it just the company?

3 MR. WAGE: We didn't get any injunctions  
4 here at all.

5 MR. EOLL: They named people.

6 MR. RIGGIN: Apparently they named  
7 individuals.

8 MR. POLLOCK: Well, you would have to  
9 identify some people in course of some of this damage  
10 in order to get an injunction. You can't get an  
11 injunction in the air, so the objection is that you  
12 don't know who it is and you can't establish the  
13 identity. This doesn't apply. You have to establish  
14 the identity of somebody for the purposes of obtaining  
15 any kind of legal relief unless it is in the case of  
16 a divorce when you allege adultery / <sup>with</sup> an unnamed  
17 party.

18 MR. RIGGIN: This is the point here.

19 MR. POLLOCK: But the question of  
20 irreparable damage or serious damage, that is another  
21 point. The fact that you can't identify anybody, if  
22 you couldn't identify a wrong doer you couldn't get  
23 an injunction anyway, even ex parte.

24 MR. RIGGIN: Well, people unnamed and  
25 unknown.

26 MR. POLLOCK: Well, you have to name  
27 somebody then the injunction applies to all kinds  
28 of people. But the only injunction that I am aware  
29 of in Canada that was issued against unknown people  
30 was in a recent case in British Columbia and its



1 validity is doubted. That was Lenford Electric.

2  
3  
4 MR. POLLOCK: They knew in those cir-  
5 cumstances who the people were that were on strike  
6 and on the picket line and they were employees and  
7 members of the union.

8 MR. RIGGIN: But here, basically we  
9 are talking about identifiable people locking the gate  
10 and stopping us from having immediate access, to  
11 take care of these things.

12 MR. POLLOCK: Yes, and you ought to  
13 have access to the premises for these purposes and  
14 you can name all kinds of individuals and you can give  
15 them notice as far as that is concerned, but you  
16 ought maybe not to give notice. You can give them  
17 some notice that you are now doing something that is  
18 unlawful, you are blocking the access to our super-  
19 visory personnel who are not<sup>in</sup>/bargaining unit work  
20 or to maintenance employees or to office staff or  
21 whatever you have.

22 MR. RIGGIN: And they will get the  
23 notice and continue.

24 MR. POLLOCK: Well, perhaps it  
25 wouldn't make any difference if you gave them notice  
26 initially. Probably in the preparation of this in-  
27 junction it is going to take more than five or ten  
28 minutes to prepare the material even on an ex parte  
29 application, that some notice, whether it be telephone  
30 or otherwise, could be given to the union that you



1 were going to seek this injunction. If they are  
2 involved in it and they don't care, then they don't  
3 care about the notice. But at least you have notified  
4 somebody. The basic objection that is raised is that  
5 here is an order that is made, maybe it is made against  
6 some unknown people or against individuals but it  
7 affects all of us, it binds everybody.

8  
9  
10 THE COMMISSIONER: But the question  
11 is really, how are you going to make it clear that  
12 the allegations are well founded. It has been  
13 suggested, and it seems to me to be a good suggestion,  
14 that instead of wasting your time making out affidavits  
15 that you ought to take two or three men who know before  
16 a judge so that he would be able to tell from their  
17 story, assuming the other party isn't before the court.

18 MR. RIGGIN: Well, I think there is  
19 absolutely nothing wrong in that suggestion. If those  
20 people are there and they have knowledge of the facts,  
21 your best evidence rule certainly should apply. On  
22 the other hand, to make an absolute rule that you  
23 need viva voce evidence on an ex parte application  
24 perhaps might not always be possible. I know myself  
25 that we have had situations where affidavits have  
26 had to be flown into the plant by helicopter  
27 that the people who make the applications are inside  
28 and could never get out.

29 MR. POLLOCK: Well, there have been  
30 cases where ex parte applications have been taken





1 and granted in circumstances other than the ones that  
2 you suggest here where there is irreparable damage  
3 or the mine is flooding or the chimneys are cracking  
4 or any of these other reasons. I don't think many  
5 people will quarrel with the preservation of the plant  
6 argument as perhaps a ground for hasty or ex parte  
7 action, but they often are taken on very much softer  
8 ground than that. Even the trade unions, the reasonable  
9 trade unions when they make their argument say, no  
10 we are not going to try and keep these people out.  
11 They do, in fact, in some cases, as we are all aware,  
12 try to keep these type of people out. So, if that  
13 is the limit of the ex parte nature of the injunction,  
14 I don't think there is any quarrel with them or it  
15 may only last for a day or two, but let it last for  
16 a day or two until you can give them notice/<sup>so</sup>that they  
17 can appear then the limit of this if it is going to be  
18 a complete injunction is restricted as far as possible  
19 until everybody has an opportunity to decide what type  
20 of conduct is not going to be permitted and what type  
21 is, so that you say in an injunction order you will  
22 have to permit these people to go through the lines.  
23 And, as a matter of fact, permit anybody to go through  
24 the lines. But it doesn't say no picketing altogether,  
25 or to reduce the pickets to two or three out/<sup>of</sup>a reasonable  
26 number of twenty.

27 THE COMMISSIONER: The real objection  
28 was raised against hearsay evidence in an affidavit.  
29 That was the basis of it, but we have no case and I  
30 don't think we / <sup>have</sup> given any case in which the allegations



1 in such an affidavit were challenged. In addition to  
2 taking witnesses before a court, I think that any form  
3 of notice that would enable somebody to represent the  
4 union at the hearing, it may be two or three hours'  
5 notice, or it wouldn't hold up the requirement that  
6 the action be immediate. You could do it by telephone  
7 or any way in which it could be represented that  
8 at a certain time in the afternoon an application will  
9 be made. That will get rid of any doubt  
10 and which has not been shown to have caused any real  
11 illegality or unfair action. It will remove something  
12 at a very small price.

13 MR. RIGGIN: I earlier said that I  
14 thought some benefit had already derived from the  
15 hearings and I have no statistics, but I daresay there  
16 are fewer ex parte applications now.

17 MR. POLLOCK: Well, that started, I  
18 think, before the hearings commenced. The practice  
19 has been in effect about a year and a half now.

20 THE COMMISSIONER: That is a minor  
21 matter, it is a procedural matter, there is no doubt  
22 that situations can arise when the action has to be  
23 made quickly.

24 MR. POLLOCK: I didn't quite follow  
25 your illustration of one instance in which you might  
26 be affected by electricity.

27 MR. RIGGIN: Well, in some mining  
28 communities, for example, the houses where the employees  
29 live, the power comes through the mine plant.

30 THE COMMISSIONER: But doesn't the





1 hydro company furnishing that itself take immediate  
2 action?

3 MR. RIGGIN: No, no, it comes through  
4 the sub-station at the mine.

5 THE COMMISSIONER: And you distribute  
6 it?

7 MR. RIGGIN: Exactly, sir, and the  
8 same with water supply in some communities, or other  
9 services.

10 THE COMMISSIONER: You speak about  
11 getting out of a plant area with helicopter.

12 MR. RIGGIN: Yes, on one occasion we  
13 had to have an affidavit helicoptered, if you will,  
14 outside of a plant that was blockaded by pickets.

15 THE COMMISSIONER: Personally, or by  
16 obstructions?

17 MR. RIGGIN: By strikers, and other  
18 people.

19 THE COMMISSIONER: I don't think  
20 there is any doubt about the law of picketing at  
21 that stage, do you?

22 MR. RIGGIN: Not at all, sir. But,  
23 nevertheless, an injunction didn't move them.

24 THE COMMISSIONER: You have no  
25 police force?

26 MR. RIGGIN: No, sir. And that brings  
27 us to our points 14 and 15 about law enforcement, and  
28 you have heard a great deal about this over many  
29 weeks and months. This, again, often takes on a  
30 different atmosphere or cover in an isolated mining



1 community where you often have a local police force  
2 or a handful of people who are very friendly and  
3 neighbourly with many people and trade unions and  
4 trade unionists, and so on, and it is our feeling that  
5 the Attorney General's department should play a greater  
6 and more effective direct role in the enforcement of  
7 our laws in labour dispute situations. We also feel  
8 that the Crown itself should carry the ball in pro-  
9 secutions for criminal conduct involved in labour dis-  
10 putes.

11 THE COMMISSIONER: But that isn't the  
12 general principle of our law in relation to setting  
13 the criminal law in action. That has been left to  
14 every citizen who has just as much right as the Attorney  
15 General, and especially if he is particularly a victim  
16 of the action. That is the general principle which  
17 distinguishes us from such a system as they have in  
18 France where the prosecution is determined by an  
19 officer. He may or may not, using his discretion,  
20 commence proceedings. It is easy to say that it ought  
21 to be by the Attorney General and, in one sense, it  
22 is, and he acts in situations. But the immediate  
23 prosecution which you mention in Item No. 15, that  
24 must be taken together with the general principle that  
25 the state under our constitution relies upon the  
26 individual to initiate action, as distinguished from  
27 a formal officer.

28 MR. RIGGIN: You are speaking now  
29 about simply signing the complaint?

30 THE COMMISSIONER: The complaint and



1 the proceeding. And it is generally left to him in  
2 the initial stage of the hearing before the magistrate.  
3 Then he takes charge of it, or his officer, when it  
4 reaches the trial stage.

5 MR. RIGGIN: Well, our suggestion  
6 simply there is that we are put in the position, if  
7 you will, of proceeding against our own employees,  
8 these people who keep this status under the Act. There  
9 are employees and no matter what happens they are still  
10 called our employees.

11 THE COMMISSIONER: They are, so far  
12 as the strike is concerned. You can't dismiss them  
13 from being absent from work.

14 MR. RIGGIN: And they have these  
15 proprietary interests in jobs at our place.

16 THE COMMISSIONER: I prefer to call it  
17 a social interest.

18 MR. RIGGIN: Well, they have this  
19 interest and then we are put in the position of having  
20 to push the prosecution.

21 THE COMMISSIONER: Well, I would think  
22 that the suggestion that you have an independent  
23 officer who is free from any political association  
24 whose duty it would be to enforce the labour law.

25 MR. RIGGIN: That sounds very inter-  
26 esting, Mr. Commissioner, but when you say "you", who  
27 do you mean?

28 THE COMMISSIONER: I don't mean you,  
29 but it would relieve the employer. There is a certain  
30 odium attached and at least he feels that way undoubt-





1 edly, so if you have an independent officer in a sort  
2 of role of an ombudsman, in a sense, to take such  
3 proceedings as the circumstances call for.

4 MR. RIGGIN: No such suggestion has  
5 occurred to us but off the top of my head I would say  
6 it merits very serious consideration.

7 THE COMMISSIONER: Well, here is an  
8 independent individual and he has no axe to grind and  
9 no interest to serve except the public interest. But  
10 on the other hand, I think it would rather handicap  
11 you in wiping all of these things out and shaking  
12 hands and indulging in a sentimental orgy of some  
13 kind at the conclusion.

14 MR. RIGGIN: Like kiss and make up?

15 THE COMMISSIONER: Yes.

16 MR. RIGGIN: Our last point, Mr.  
17 Commissioner, is the business of management right to  
18 take technological changes during a collective  
19 agreement. It is our view that many more jobs are  
20 lost if we have have cut backs in the economy and  
21 our employees displaced by technological change.  
22 I think less than one half of one percent of all  
23 labour disputes in Ontario of recent years have been  
24 over the issue of technological change. I don't  
25 wish to term it a 'boogey man', but I do believe that  
26 a great deal has been talked about the placement of  
27 people because of technological change out of all  
28 proportion to some of the more serious problems of  
29 employee displacement which I believe <sup>that</sup> collective  
30 bargaining is starting to take care of. There are



1 our seniority rules, supplementary unemployment benefits,  
2 severance pay plans, and so on. We are already taking  
3 care of major employee displacement problems in the  
4 normal collective bargaining process.

5 THE COMMISSIONER: Have you had any  
6 cases where the mine or the ore simply petered out?

7 MR. RIGGIN: Yes.

8 THE COMMISSIONER: Well, that is the  
9 end of it. You don't do anything more, do you with  
10 the men. They are through.

11 MR. RIGGIN: At that mine they are,  
12 yes. But some mining companies will have a continuity  
13 paid plan or severance pay plan. . A mining company  
14 that has several mines will facilitate transfers with  
15 or without co-operation of the trade union involved.

16 THE COMMISSIONER: Will you treat it  
17 as one operation?

18 MR. RIGGIN: To a large extent, depend-  
19 ing on geographical location, and so on. But the point  
20 you make of a mine dying because it runs out of ore  
21 is a very real social problem.

22 THE COMMISSIONER: They can raise very  
23 difficult questions and you know of the coal situation  
24 in Nova Scotia. A large settlement there-and it is  
25 not like the hard mine where you face a limitation of  
26 some sort. They work here today and over there tomorrow.  
27 But, here/with the vast deposits of coal it gives rise  
28 to a settled community and without other resources  
29 available, becomes a very difficult social problem,  
30 but you are not troubled with that so much up here.





1 MR. RIGGIN: Well, it becomes a problem  
2 and we can't hide our head from it.

3 THE COMMISSIONER: Of course, the  
4 public itself has a primary obligation there, there  
5 is the government.

6 MR. RIGGIN: But we, in this juris-  
7 diction, have run into serious problems. You will  
8 remember the Elliott Lake business when uranium markets  
9 cut back, and of course no one should forget that  
10 right here in Sudbury where ore reserves are wonderful.  
11 Nevertheless, every day these mines are one day closer  
12 to death. So it is a very real problem. Our point  
13 here simply is that we believe the employers involved  
14 and the trade unions involved are maturing enough to  
15 be taking care of some of these problems. Already in  
16 our collective agreements you will see many measures  
17 aimed at employee dislocation.

18 THE COMMISSIONER: I think there is  
19 no doubt of the acceptability conception that the  
20 improvement is not to be questioned, but the con-  
21 sequences become the subject for very careful action.

22 MR. RIGGIN: Exactly, and this is the  
23 position we take here, sir. There should be no  
24 on the progress, but let us take a look at the con-  
25 sequences.

26 THE COMMISSIONER: Well, sometimes  
27 they are very serious.

28 Gentlemen, we are very much obliged  
29 to you for coming here today. Now, is there anyone  
30 else who would like to say something?



1 MR. RIGGIN: Well, Mr. Commissioner,  
2 the International Nickel Company have a submission, I  
3 think, and I was wondering if it was this afternoon.  
4 Now, Mr. Schell of Rio Tinto, and this is in keeping  
5 with your suggestion earlier for specific cases. Mr.  
6 Schell has a very brief submission on behalf of Rio  
7 Algom and Mr. Eoll of Steep Rock has the same. So  
8 they are all the three of them that I know of.

9 THE COMMISSIONER: Would you like to  
10 do this now or wait until after lunch?

11 MR. EOLL: I am prepared now, sir.

12 THE COMMISSIONER: If you are returning  
13 this afternoon, perhaps we could better hear these  
14 right after lunch.

15 ---Luncheon recess.  
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1 ---On resuming at 2:00 P.M.

2  
3 MR. RIGGIN: I think, Mr. Commissioner,  
4 these submissions you have here are from individual  
5 mining companies, arising out of your Counsel's request  
6 for specific information, and you will remember last  
7 week you will probably recall the submission from  
8 Caland Ore up in the Lakehead and these are  
9 similar to it. Now, Mr. Wage of Inco is ready to  
10 proceed and they are all pretty well ready to proceed,  
11 depending on the order that you would like to take  
12 them. The International Nickel one is the more  
13 voluminous one and perhaps Mr. Wage is ready to proceed  
14 on that.

15 MR. WAGE: This is Mr. B.K. Seli  
16 sitting with me this afternoon.

17 MR. POLLOCK: Go ahead, Mr. Wage,  
18 please. We have had an opportunity to read your  
19 brief of the descriptions of some incidents and I  
20 would like to hear what you have to say about it and  
21 presented in a manner you think would be of assistance  
22 to us, and add any comments that you wish to make and  
23 perhaps you might care to comment on the matters dis-  
24 cussed this morning.

25 MR. WAGE: Mr. Commissioner, as Mr.  
26 Riggin stated earlier, this report of ours of the  
27 International Nickel Company is not a brief. When  
28 Mr. Pollock sent out letters inviting briefs the  
29 letter was in two parts and one was a request for  
30 briefs from interested parties and the other was for





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some reports of specific instances. We felt /<sup>from</sup> the labour problems that occurred last year that our company was probably one of the more important and one of the more far reaching ones in the province and the report of what went on during the summer would be of interest to the Commission, and would comply with your request. We make no recommendations in it whatever. It is as factual a report as we could make. I think every incident referred to in it would be provable in court if necessary. The reason we make no recommendations is simply because we support strongly the brief presented this morning by the Ontario Mining Association and, to include recommendations in this report, would have meant a straight repetition. The report deals with the strike action which involved the company's operations during 1966. We took the letter of Mr. Pollock's and attempted to provide information on each aspect of the letter, as requested by him. We started off by giving the general background information as to the size and the location of the company's operations in Ontario. We went back to the jurisdictional dispute that started in 1959 between the two unions, as we feel that this forms the background of the situation that developed in 1966. While we don't spell it out in detail, there is no question that the dispute amongst the company's employees when they were divided practically even between two unions had far reaching effects on the leadership of the company's employees in this district.

It doesn't appear in the brief but,



1 as a matter of policy, the company was very careful  
2 throughout both the dispute of 1960 and also the more  
3 recent one following the last contract not to express  
4 or indicate its preference for one union or the other  
5 union in any way, shape or form, despite the far reaching  
6 publicity that the dispute received in the press. In  
7 the 1960 episode, I don't think there was a single  
8 incident of violence or fighting between any two  
9 employees on company property. Now, there may very  
10 well have been off-company property but on company  
11 property the work of the employees was not affected  
12 by the dispute itself.

13 We refer also to the leadership in  
14 the present union and the change of the Chief Executive  
15 Officer, the President of the Union as a result of  
16 the local's own action. We don't drawn any conclusions  
17 or direct conclusions as to what affect this had on  
18 the union or on the labour force. I feel that is  
19 something that the Commission can appreciate itself.

20 We then go on, and review briefly  
21 the negotiations up to the illegal strike which  
22 commenced on July 14th. Now, I would to just digress  
23 from the brief momentarily. There are two things  
24 that I would like to say, one, going back to the  
25 strike of 1958. When we went back to the jurisdictional  
26 dispute in this report, I felt we had gone back far  
27 enough, but I don't want to get involved in controversy  
28 with anyone but there are one or two statistics I  
29 would like to give the Commission regarding the 1958  
30 strike.





1 MR. POLLOCK: You refer to it as a  
2 jurisdictional dispute, but it is not a jurisdictional  
3 dispute in the commonly understood term. It is a dis-  
4 pute between two unions over the representation of the  
5 rights of that particular union. It is not a question  
6 of "we ought to do this" or "you ought to do that."

7 MR. WAGE: No, there was no problem  
8 there. It has been suggested that the 1958 strike was  
9 possibly the result of the company introducing the  
10 32 hour work week. The company introduced the 32 hour  
11 work week during the year in which the steel industry  
12 was very depressed, and the company's business was  
13 also depressed as a result. This was public knowledge  
14 and there wasn't any question about anyone in the  
15 entire continent not knowing that. Before we went to  
16 the 32 hour work week, we had already had two lay-offs  
17 in which the men with the least amount of service  
18 having been laid off with recall rights. We were then  
19 forced to consider a third lay-off that would, of  
20 necessity, have been quite far-reaching, and rather  
21 than create the third lay-off, we decided that the  
22 fairest thing to do would be to cut the work week to  
23 32 hours. I might point out that this was a greater  
24 cost to the company than to continue operating with  
25 fewer men at 40 hours. I think the question raised  
26 yesterday was, "What was the take-home pay". The take-  
27 home pay, the average weekly wage on the 32 hour week  
28 in 1958 prior to the strike was in excess of \$81.00.  
29 Now, that figure is higher than the average in the  
30 Canadian industry in general at the same time. So



1 that in cutting our work back to 32 hour a week, we  
2 were not introducing substandard living conditions.

3 MR. POLLOCK: In the 40 hour week,  
4 what would it have been?

5 MR. WAGE: It would have been five  
6 fourths of that. It would be just over \$100.00.

7 MR. POLLOCK: At that time, was there  
8 anything in the collective agreement?

9 MR. WAGE: No, that was during  
10 negotiations.

11 MR. POLLOCK: But, were you bound by  
12 any term in the collective agreement about the normal  
13 work week?

14 MR. WAGE: No, there was no guarantee  
15 of any set number of hours to work in the contract.  
16 We normally worked a 40 hour week and there were pro-  
17 visions in the contract to pay overtime for time worked  
18 in excess of 8 hours in one day or in excess of 40  
19 hours in one week.

20 MR. POLLOCK: You were free as far  
21 as contractual provisions were concerned to reduce the  
22 hours to 32 or 30 or 15?

23 MR. WAGE: We were entirely free.  
24 The same wording is still in the present agreement  
25 and I believe you have a copy. On page 49, Section 11.22:  
26 "The company does not guarantee to provide work for  
27 any employee, nor to maintain the work week or working  
28 hours presently in force". That clause goes back  
29 many years. Now, coming to our present negotiations,  
30 as I mentioned this morning, we received a proposal.



1 It was 100 pages in length, and included several hundred  
2 demands that were everything from very minor demands,  
3 the importance of which would be hard to see, to others  
4 that were very far-reaching. Such a set of demands  
5 cannot be gone over lightly. The mandatory demands  
6 were also, in our opinion, rather extreme.

7 MR. POLLOCK: Was there any relation  
8 to the size of the list of items to internal political  
9 reasons, for example, the negotiating committee to be  
10 more militant than its opposition. I don't know  
11 whether there were any at the time or not. That is  
12 sometimes a factor in negotiating contracts in other  
13 industries and I wonder if in this particular case  
14 there might have been some relation between the number  
15 of new demands and old issues raised.

16 MR. WAGE: There is no question about  
17 it that the union rivalry was largely at fault. I  
18 don't want to get involved in inter-union disputes,  
19 but, quite obviously, union politics is very much the  
20 same as politics in government. Both parties get up  
21 and promise who will give the most and there is no doubt  
22 that this / played a very major factor. It was quite  
23 common to have people say, "Well, if we had a different  
24 union, the wording of the contract would be different."

25 Now, when we signed the first contract  
26 in 1963 with the Steelworkers, we had some very lengthy  
27 negotiations. The Steelworkers at that time had said  
28 that they would not accept anything in the old mine  
29 contract because it was a substandard contract  
30 according to their definition, and they ruled up what





1 they suggested was their model contract. Now, we ruled  
2 up what we suggested was a model contract, and we  
3 negotiated, and this was in 1963, with three contracts  
4 on the table. The old contract that had been negotiated  
5 as a result of eighteen years of experience, the union  
6 proposal, and the company proposal. We ended up with  
7 the old Mine Mill Contract with very few changes, other  
8 than monetary ones. But the feeling still went right  
9 through that there should be change, if only for change's  
10 sake. Now, we also received the old contract at that  
11 time complying with the Labour Relations Act and it  
12 said that negotiations would start sixty days in  
13 advance of the termination date. We received the letter  
14 from the union requesting us to start early and we  
15 agreed; we did so. We started at the earliest date  
16 convenient for the union after we received their  
17 request to start negotiating. So there was absolutely  
18 no delay on the part of the company. As a matter of  
19 fact, we suggested an earlier date than the first  
20 date when we met. We negotiated, and I don't think the  
21 number of sessions is of any interest, but they were  
22 very, very lengthy. The union committee consisted of  
23 25 men and 9 of them had their own ideas as to what  
24 there should be in the contract and the union, as a  
25 matter of policy, felt that everybody should speak  
26 freely.

27 MR. POLLOCK: How many of those 25  
28 were Inco employees, or were they all?

29 MR. WAGE: The great majority. All  
30 except the International representatives were Inco



1 employees. But with the three or four, with an  
2 occasional specialist drawn in. At different times  
3 I think there were as many as 29 different men present,  
4 but that was more than the normal number.

5 MR. POLLOCK: Then there would be 21  
6 or 22 Inco employees present?

7 MR. WAGE: That is right. We negotiated  
8 together with the Port Colborne Local. I think the  
9 point I am making there basically is that because of  
10 the size of the demands and the number of men at the  
11 bargaining table, you had to take a very lengthy pro-  
12 cedure to cover the demands adequately and even to  
13 find out what they meant in some cases. The contract  
14 terminated on July 10th. Now, the situation at that  
15 time was the fact that there were rumours that they  
16 were going to shut us down, that there was going to be  
17 a shutdown although it would be illegal, when the  
18 termination date arrived. This was quite common  
19 gossip.

20 MR. POLLOCK: No contract, no work?

21 MR. WAGE: That is right. The argument  
22 was given that the company was not negotiating in good  
23 faith, that we were taking too long, that, in other  
24 words, we were stalling. We had a conciliation officer  
25 meeting on July 12th and at that time the company had  
26 made its proposal. The cost of the company's proposal  
27 was 35 cents, in excess of 35 cents per man hour. Now,  
28 this was the second offer that the company had made  
29 to the union and the union had not moved off its  
30 position at all, and I read from the reports of these





1 hearings, your reference to bargaining in good faith.  
2 I think that while I agree it is a very difficult  
3 thing to define what bargaining in good faith really  
4 means in the legal sense, yet, in a practical sense,  
5 I think it is very clear and I suggest that any company  
6 that has more money on the table at any stage of  
7 negotiations than it has given in the last settlement,  
8 is bargaining in good faith. The union, on the other  
9 hand, had not changed its position at all. It was  
10 still maintaining all the 100 pages of demands and we  
11 just never did count how many different demands there  
12 were.

13 One other thing that, again, isn't  
14 in the brief, but was suggested here to you the other  
15 day, was the terrific back-log/<sup>of grievances</sup>was a factor in this  
16 situation. Here, again, I don't want to theorize,  
17 but I would just like to tell you factually what the  
18 situation was.

19 Now, over the years, we have developed  
20 a technique of handling grievances and we have had a  
21 panel in the contract to hear arbitrations of five  
22 arbitrators who would take arbitrations in rotation.  
23 Three were judges and two were magistrates. Right up  
24 until just shortly before the year 1966, this panel  
25 on the grievance procedure had proved more than  
26 adequate to meet the situation. But, again, for  
27 reasons that personally I think are inherent in the  
28 over-all problem, we had developed a serious back-log.  
29 I don't remember now who made the first phone call,  
30 but I agree with any union spokesman who says that a



1 backlog of arbitrations is a bothersome thing and  
2 poor industrial relations, and we felt that something  
3 should be done about it. Now, in the Spring of 1966  
4 we had a backlog of 255 arbitrations. We set up the  
5 mechanics to handle them, bypassing the arbitration  
6 procedure, and Mr. Seli and the company committee met  
7 with union committees, including the top union officers  
8 and by July 12th, 194 of those arbitrations had been  
9 dealt with. So that there was at that time ---

10 MR. POLLOCK: They hadn't been  
11 arbitrated, they had been disposed of?

12 MR. WAGE: They had been disposed of  
13 by mutual agreement. We had conceded some and the  
14 union conceded the rest. That left a backlog of 61.  
15 Now, the only reason those 61 had not been dealt with  
16 was because of the volume and action of negotiations.  
17 But the machinery was there and both the union and  
18 the company were operating. So, by July 12th, there  
19 were 61 arbitrations still pending, and arrangements  
20 were made to deal with those. Now, in view of the  
21 strike situation, they were not dealt with until the  
22 fall, but immediately after operations returned to  
23 normal in September they were dealt with and disposed  
24 of finally. Now, following the report of the prelim-  
25 inary negotiations of July 14th, I dealt very briefly  
26 with the incident that precipitated the walk-out at  
27 Levac Mines on the morning of the 14th.

28 I speak very briefly in the report on this famous  
29 sandwich episode. I don't know whether to enlarge on  
30 it at this stage or not. Quite obviously, Mr.



1 Commissioner, it has always been the practice under-  
2 ground and I used to do it myself, that when a man  
3 goes to the check in board where you have to hang  
4 and your tag /you are waiting for instructions, it is quite  
5 common to eat a sandwich. That is a very different  
6 thing from what happened in this particular case. In  
7 the first place, and I reported or noted in the report,  
8 there was an act of slowdown in the mines. There was  
9 nothing theoretical about that. The production at  
10 Levac Mine had been cut from an average of 7,331 tons  
11 per day in May - and that is an actual measured  
12 tonnage - to no drop in working force, the production  
13 between July 1st and 13th averaged 3,536 tons. That  
14 is less than 50 percent of normal production. So there  
15 is no question that a slowdown did occur.

16 In this particular case in the  
17 morning ----

18 THE COMMISSIONER: Pardon me, but  
19 was there anything exceptional in May that would boost  
20 the output?

21 MR. WAGE: No, that was the normal  
22 tonnage. I used May rather than June, because there  
23 was also a slowdown in June, but it was a progressive  
24 slowdown. In June, the figure would be somewhere  
25 between 3,500 and 7,300. The June figure, at a  
26 guess, would be perhaps 5,000 tons, although I don't  
27 have the actual figures.

28 MR. POLLOCK: So that there was a  
29 greater slowdown in May than there was in June?

30 MR. WAGE: There was a greater slow-





1 down in May than there was in June. I'm sorry, I'm  
2 getting confused. May was the normal tonnage and June  
3 the slowdown progressed and there was less production  
4 at the end of the month than at the start, and by  
5 July, it had dropped to 3,500 tons.

6 MR. POLLOCK: You mentioned the dis-  
7 far as  
8 cipline of some people as/penalties and I don't want  
9 to get ahead of you, but you talked about insufficient  
10 work. I heard yesterday about somebody coming back  
11 from holidays and being penalized for insufficient  
12 work.

13 MR. WAGE: If I could deal with that  
14 in just a moment. Along with the slowdown, there  
15 were all these episodes of sabotage and which I  
16 refer you to the letter of the Inspector of Mines.  
17 I say at least 150 episodes of sabotage, many of which  
18 could very possibly have resulted in serious accident  
19 and possibly death to one or more employees. In the  
20 sabotage episodes, sabotage underground, and sabotage  
21 anywhere is very difficult to catch, but underground  
22 it is particularly difficult. You can always tell  
23 where a man is by his headlight. One of our shift  
24 bosses who was suspecting a slowdown in one of the  
25 areas, he was suspecting men of having turned off  
26 the air and water lines to a working place, he was  
27 coming up through a ladderway or manway and he heard  
28 men talking about it. He put his light down where  
29 it couldn't be seen, hoping to catch them turning  
30 the air and water off. Instead of that, he caught  
them in one of the most serious types of sabotage



1 where they were deliberately fixing a switch with  
2 the intention, obviously, of derailing a train when  
3 he came along. Now, a train travelling in a drift  
4 or tunnel has a certain amount of clearance. The  
5 clearance may be 18 inches or it may be 2 feet or  
6 in some cases more. But if that train is derailed  
7 at a time when a man is standing beside it and hits  
8 the man, there is only one thing going to happen.  
9 And anybody with any experience underground knows that.  
10 Now, these two men were fired. They are referred to  
11 in here as having been discharged. This was the  
12 subject of an arbitration and the company received  
13 the award a few days ago and it was one of the strongest  
14 arbitrational awards supporting a company that I have  
15 read in a long time. The majority of the Board said  
16 there was no question that the act of sabotage took  
17 place. So, this was the background at Levac Mine on  
18 July 14th.

19 MR. POLLOCK: What is there in the  
20 operation of the mine or the company that would promote  
21 all these acts? Is there something peculiar about  
22 somebody who goes down in the mine?

23 MR. WAGE: No, I would ask you what  
24 is peculiar about the people who sabotage trucks on  
25 the highway when there is a trucking strike on. And  
26 let me say this, I don't for one minute believe that  
27 these acts are committed by more than a very small  
28 handful of men. The great majority of workmen of  
29 International Nickel are competent and completely  
30 trustworthy.





1 MR. POLLOCK: Well, some of the acts  
2 would have been very dangerous to the ordinary workman?

3 MR. WAGE: That is correct. They  
4 form a definite pattern of harassment, and of intima-  
5 tion to the other workmen as well as to the company.  
6 Again, a lot of these slowdowns, there are many men  
7 who slowed down their operation unwillingly. Now that  
8 is a statement I cannot prove correct, but I know it  
9 to be true. So, on July 14th, with production at less  
10 than 50 percent and with many acts of sabotage, super-  
11 visors were naturally on the alert for both sabotage  
12 and slowdown.

13 Now, the sandwich episode, the lunch-  
14 room there is 1,000 feet from the shaft. The shift  
15 boss walked in and the men were down to the level in a  
16 cage and the shift boss walked into the level with  
17 the three or four men and the rest of the men walked  
18 in at a slow march, taking twice as long to get there  
19 as the shift boss at a normal pace. Instead of  
20 standing around the check-in board and proceeding to  
21 check in, the majority of them went into the lunchroom  
22 and sat down and all of them opened their lunch pails  
23 and started to eat, which is not a normal procedure.  
24 The shift boss went in and instructed them to close  
25 their lunch pails and come on to work. All of them  
26 except one man complied with the order, and the one  
27 man didn't and he was told again and he didn't, and  
28 he was told to either close his lunch pail and go  
29 to work, or to go home. He chose to go home and  
30 let the rest of the men out. But this is only one



1 point level. On the second level, at approximately the  
2 same time, we mention another episode in here and this  
3 one was led by a union grievance steward who actually  
4 came down and called the men out of some of the working  
5 places in the presence of the shift boss and they  
6 reported sick and went to surface. So that of the  
7 walkout of the original walkout, 50 percent of the men  
8 involved went out on the level where the sandwich  
9 episode took place. 50 percent went out from another  
10 level and reported sick, but the union grievance  
11 steward who reported sick stayed around the plant  
12 gate for the rest of the day. And that was what  
13 precipitated the walkout.

14 Now, as we say in the report, the  
15 walkout spread very rapidly to the other operations  
16 of the company, and I give you some examples to  
17 illustrate that it couldn't possibly have been  
18 spontaneous. The Levac Mine is out at the northwest  
19 perimeter and pickets appeared at a good many of the  
20 other plants and very soon thereafter, obviously  
21 highly organized, at the iron ore plants, it was  
22 rather one of the supervision men; I noticed a  
23 station wagon parked at a restaurant about half a  
24 mile from the parking lot. As a result of that, we  
25 noticed some picket signs in the station wagon. He  
26 went in and reported to the manager and we had people  
27 there watching. A car driven by a union steward  
28 drove from where the station wagon was parked to the  
29 parking lot. One picket got out and started to walk  
30 down the roadway. The car went back and the station



1 wagon with the four or five men whom they had just  
2 left two minutes before came along and again a union  
3 grievance steward was with them. He walked up to  
4 the man who was picketing and said, "What are you  
5 doing?", and the chap said, "Look at the sign", and  
6 the union grievance steward said, "Shall we support  
7 him, boys?", and they said, "I guess we better" and  
8 they go to the car and get their signs and the  
9 picketing starts. This was supposed to have been  
10 spontaneous. There are many other examples of that.  
11 Mr. Seli is just reminding me about the insufficient  
12 work. Insufficient work, during the day the union  
13 were in contact with Mr. Seli on two or three occasions  
14 about the work stoppages at Levac, and they requested  
15 a meeting to be held the following morning with the  
16 superintendent of Levac to consider the penalties at  
17 Levac Mines and Mr. Seli set up a meeting on the morning  
18 of the 15th. Then by 10:00 or 11:00 o'clock at night  
19 or earlier than that, possibly 9:00 o'clock actually,  
20 there was a big picket line at the smelter gate and  
21 the union phoned and asked for a meeting right away  
22 and a meeting was set up and held in the main office  
23 of the company at about 10:30 at night. Now, I was  
24 at it and I was the chief spokesman for the company  
25 and Mr. Seli, the manager of mines was there and one  
26 or two others for the company. The president and  
27 vice-president of the local were there, Mr. Gilchrist  
28 the International representative was there and certain  
29 men from Levac. So, it was a top-level meeting on  
30 both sides. They made an issue of the penalties at





1 Levac they said had caused all the trouble and that  
2 there were a certain number of warnings and a certain  
3 number of two-day suspensions. Nobody had been  
4 penalized any heavier than that. They stated ---

5 MR. POLLOCK: Those are the 20  
6 penalties that you speak of in your brief?

7 MR. WAGE: Yes, these are the ones.  
8 They stated if we would withdraw all the warnings and  
9 all the penalties at Levac from July 31st, or rather  
10 from July 1st to July 13th, then they would guarantee  
11 to get the men back to work. Obviously, we couldn't  
12 do this. This would be just yielding to what was a  
13 little more than blackmail. It was quite possible at  
14 that time that some of those penalties were given by  
15 mistake or that they could not have been proven. Now,  
16 I ask you to consider the situation, that this  
17 sabotage has occurred, the slowdown did occur and  
18 somebody was doing it. Everybody wasn't innocent.  
19 Supervision are a race apart. Our supervision  
20 are practical men and they know these men and are  
21 related to many of them. We have our supervision, we  
22 have hundreds of our supervisors that have brothers,  
23 fathers and sons working there. We aren't two separate  
24 races, we are one group who work together and I have no  
25 doubt that the great majority of those penalties and  
26 warnings were more than justified. Having said that,  
27 I am also prepared to admit that our supervision are  
28 human and they, on certain occasions, have made  
29 mistakes. But, for us to wipe out all of them because  
30 one or two might have been made in error is not



1 reasonable.

2 MR. POLLOCK: That is what the  
3 grievance procedure is for?

4 MR. WAGE: That is right, but I  
5 offered a major concession at that meeting. I told  
6 the union committee that in the interests of getting  
7 the men back to work, the company was quite prepared  
8 to bypass the grievance procedure, that I would set up  
9 a committee that would be headed by Mr. Seli and that  
10 would give immediate consideration as rapidly as possible  
11 to all the warnings and penalties that had been issued  
12 and that we couldn't substantiate or that supervision  
13 couldn't substantiate/and they would be withdrawn immediately  
14 and the men paid if it was a case of suspension. Now,  
15 we considered at the time that that was a major con-  
16 cession that would certainly have given them every  
17 opportunity to bring out every evidence such as has  
18 been quoted to you yesterday.

19 Mr. Seli points out that in the  
20 particular case of the man who returned from vacation,  
21 he wasn't penalized when he returned, he was penalized  
22 at the end of the shift, and he was penalized at the  
23 end of the shift because he had done nothing all shift.

24 Apparently he felt his vacation should  
25 last an extra day. But these cases would have been  
26 given prompt attention if the union had complied.

27 THE COMMISSIONER: Your offer was  
28 not accepted?

29 MR. WAGE: The offer was not accepted,  
30 no. It was adamantly refused. The meeting ended in





1 a real stalemate. The other thing was that I pointed  
2 out to the union that it was an illegal walkout, the  
3 contract was still in effect and they had an obligation  
4 as union officers and leaders of the union to come out  
5 and say so, that the great majority of the men did not  
6 want to be out of work. One of the men said to me,  
7 "Do you want me to go to that man?", and I said,  
8 "If you don't want to go and talk to them, there is  
9 no reason why you shouldn't go on the TV and radio  
10 with a public statement that it is an unauthorized  
11 work stoppage and instruct the men to go back to work  
12 tomorrow." I made that statement to the two senior  
13 union men, both International and Local in there, and  
14 I made a point of repeating it to each one of them.  
15 Neither one of them said that they wouldn't, neither  
16 one of them said that they would, and neither one of  
17 them ever made the statement to my knowledge.

18 THE COMMISSIONER: At that time when  
19 they spoke about this there must have been quite a bit  
20 of excitement around?

21 MR. WAGE: Outside, it was dark at  
22 that time, the men of the smelter came and I suggest  
23 there were probably 300 or 400 men who were actually  
24 involved, and a lot of bystanders. But bear in mind,  
25 and I would like to go back to the Levac situation  
26 in the afternoon rather than to come out at night  
27 because I think the Levac situation, having started  
28 first, being more or less isolated, it represents a  
29 smaller picture of what on the whole became a very  
30 complex problem. I went ahead to the night meeting to



1 please Mr. Pollock and my friend about the penalties.  
2 Levac mine on day shift that day had somewhere between  
3 725 and 750 men at work. Now, by noon of that day,  
4 some 200 had walked off the job and had gathered at  
5 the gate and set up an illegal picketing and had  
6 built a barrackade of rocks and stones across the road.  
7 Office staff who went home for lunch were not able to  
8 get back to the plant. Surface supervision who went  
9 home were not able to get back in the plant, although  
10 some of them did get back in a round-about way. During  
11 the afternoon - and I might point out that one of the  
12 men who walked off the job was not only, there were  
13 several union grievance stewards who walked off, but  
14 one of the men was a member of the union negotiating  
15 committee who also came off before noon. So that the  
16 whole episode is tied in together. In that respect,  
17 the men then who remained at work, some 500 in number  
18 at the end of the shift, began to go home.

19 Well, now, unlike a factory where  
20 everybody stops work at the same time, in a mine the  
21 men <sup>come up</sup> /in a cage-load or elevator-load at one time so  
22 that they disperse at the end of the shift gradually  
23 and not in a big group. The gang who were on the  
24 highway were jostling and intimidating the men going  
25 home. Now, I am sure that you have heard a good many  
26 cases at these hearings of men being intimidated about  
27 going to work. But here are men going home at the end  
28 of a normal work shift. This is where this knifing  
29 episode took place.

30 THE COMMISSIONER: That is because they



1 hadn't gone out in the morning?

2 MR. WAGE: Presumably, sir, but  
3 again in a mine, they couldn't know unless it had been  
4 planned in advance. Now, if they had all been told  
5 before they went to work to go home at nine o'clock  
6 in the morning and didn't go, then you might argue  
7 that they should have gone although it would have been  
8 illegal. But, in a mine, some of the men wouldn't  
9 possibly have known what was going on at another level  
10 and I am quite sure that some of those men, the first  
11 they knew of that was when they started to go home.

12 MR. POLLOCK: Is there no communica-  
13 tion of any kind between what is happening on the  
14 surface?

15 MR. WAGE: Oh yes, there is a very  
16 complete set of telephone signals. I don't think I  
17 am letting any secret out of the bag, that if you expect  
18 there is going to be a walkout the first thing you do  
19 is police the telephone. Also, of course, in sabotage,  
20 the telephone line was frequently cut. But normally,  
21 there are not telephones to every working place.  
22 There is a telephone to every lunchroom and every  
23 level, and things like that.

24 Now, I can only say that that intimi-  
25 dation was designed to stop the men from coming  
26 back to work the next day. If a man gets jostled and  
27 pushed and brow beaten and intimidated by not going  
28 home, he is going to think twice before going to work  
29 the next day, and I think that is exactly what was  
30 designed. It was an attempt on the part of a small





1 minority of men to stop the big majority from carrying  
2 on their normal work, and it succeeded.

3 THE COMMISSIONER: At that time, was  
4 there any high officer present at the negotiations?

5 MR. WAGE: Mr. Sodin showed up  
6 some time during the afternoon, but I am not sure  
7 when, it was around lunchtime. On page 10 of my  
8 report, this trial of Laverne for stabbing/<sup>Eldon</sup>Turcotte  
9 and one Sigler who was a union grievance steward  
10 and a member of the negotiating committee. This is  
11 from the transcript, and the question put to him was,  
12 "Did he ask the men to continue the walkout?", and  
13 he said don't  
14 the answer was, "No,/listen to what I am saying,  
15 but you should go back to work". In reading on  
16 down ----

16 MR. POLLOCK: Did he say, "Don't  
17 listen to what I was saying before", or does it  
18 mean "Don't listen to what I am saying, you should  
19 go back to work"?

20 MR. WAGE: That is what I read into  
21 it, and if you read down further - I am sorry, that  
22 is the only interpretation I can take from it.

23 MR. POLLOCK: Well, if that is the  
24 only thing he said, I think it is the only interpreta-  
25 tion you can take, but he may have said something  
26 before.

27 MR. WAGE: Well, this is the question  
28 that starts right at the top.

29 THE COMMISSIONER: He hadn't been  
30 talking to them before at all?



1 MR. WAGE: No, this is the only record  
2 we have that he was there. In a situation like that  
3 they don't do much with....

4 THE COMMISSIONER: Just that previous  
5 question, "did he ask the men to continue to walk out"  
6 and the answer is "no".

7 MR. WAGE: But if you go one question  
8 before that, the question: "Did he approve of the  
9 walkout", and the answer, "He did".

10 MR. POLLOCK: I think the question  
11 poses the sentence: "Don't listen to what I am saying  
12 but you should go back to work", would indicate that  
13 is a kind of tongue-in-cheek "go back to work".

14 MR. WAGE: I would think so.

15 MR. POLLOCK: Or perhaps it meant  
16 he didn't ask the men directly to continue the walkout.

17 MR. WAGE: Again, at the meeting that  
18 took place at 10:30 that night, he told us, that is  
19 he told the company committee, including myself and  
20 Mr. Seli, that he had told the men to go back to work,  
21 so that he could say that he had said it, but it  
22 didn't carry much weight.

23 Now, I don't want to deal in too much  
24 detail with this report. I think there are enough  
25 examples given in the report to indicate very clearly  
26 that it was anything but a spontaneous walkout on a  
27 company-wide basis.

28 MR. POLLOCK: Except that they weren't  
29 organized very much at Levac if these people didn't  
30 know about the walkout when they came up. Some people





1 knew about it.

2 MR. WAGE: Well, they organized it  
3 on two levels, and I don't think very few walkouts of  
4 that type are organized so they are 100 percent walkout.  
5 The point is to get everybody out. Let me say that  
6 they were 100 percent effective in that nobody went  
7 back to work for a month. Now, I don't know whether  
8 you wish me to review any of the episodes that took  
9 place. Again, I would point out just one thing, though,  
10 that there were a lot of people intimidated other than  
11 the company and a lot of people in private business  
12 and a lot of barricades on public highways. Now,  
13 after what was said this morning / <sup>about</sup> criminal action,  
14 I wonder what would happen to me, as an individual,  
15 if I went down the street in the City of Sudbury and  
16 threw a half a dozen large boulders on the highway  
17 and rolled them large enough that when you picked them  
18 up you used a bulldozer, and then turn around and  
19 say, "Nobody is going to pass this highway".

20 MR. POLLOCK: Everybody would say,  
21 "Its Inco Management, they are on strike".

22 MR. WAGE: It is only one of two  
23 things, either I would be in the building adjacent  
24 here or much more likely I would be in the psychiatric  
25 ward. And, yet, this is obviously what went on, and  
26 these barricades, as I indicate here, there were large  
27 numbers of people who couldn't get their cars into  
28 their garages. I give you episodes there of a family  
29 going to their camp. I give an episode of medicine  
30 being taken to an elderly lady. Now, I mentioned the



1 fact that the milk delivery to householders was stopped.  
2 Now, all of these are given in support of a mining  
3 association brief that says that on some of these things  
4 it shouldn't be up to the company, it should be up  
5 to the civil authorities to see that normal law and  
6 order is complied with.

7 MR. POLLOCK: How do you tackle this  
8 type of problem with law enforcement agencies. You've  
9 got how many people out on strike, there would be  
10 thousands of people and it is not just you or ten or  
11 fifteen people, it is thousands in the different  
12 places and even if they bring the whole Ontario  
13 Provincial Police in here, it opens up a type of  
14 hot-war affair instead of cold war.

15 MR. WAGE: One thing you do, if I  
16 might suggest, is that you stop this kind of war  
17 before it starts.

18 THE COMMISSIONER: Well, if it is  
19 sprung on you that way, what can you do?

20 MR. WAGE: Well, this type of thing  
21 just didn't suddenly start.

22 THE COMMISSIONER: Yes, but you  
23 didn't know anything about it?

24 MR. WAGE: Well, I am not talking  
25 about our own company in this one episode. I am  
26 talking about a long history of episodes. These  
27 things in my opinion, and I am not a philosopher....

28 THE COMMISSIONER: That is a dangerous  
29 occupation.

30 MR. WAGE: But somewhere along the



1 line you may have a small case, but you don't get  
2 away with the small case and the big ones don't  
3 develop. How you reverse the trend is a much more  
4 difficult problem. I would point out that the more  
5 serious episodes that occurred here occurred before  
6 the Provincial Police arrived. Now, we have heard  
7 evidence to the contrary. I give you factual examples,  
8 and after 250 additional Provincial Police were moved  
9 into the district the situation quietened down very  
10 considerably.

11 THE POLLOCK: The only way you can  
12 head some of these things off, I suppose in the penal  
13 system of labour relations is the ordinary penalties  
14 and suspensions and that type of thing which exist  
15 for the smaller offences in the ordinary circumstances.  
16 But the trend has developed today that if illegal  
17 action takes place or if, prior to a strike or during  
18 a strike, some wrongful acts take place, the union  
19 knows and I submit with quite reasonable assurance  
20 based on past experience that one of the terms of  
21 settlement is going to be that it is going to be all  
22 right then, so really we are not suffering anything  
23 so we will just bargain it away and that is what  
24 happens. So that these penalties that are threatened  
25 like suspensions and fines and legal action and  
26 arbitration damages and all of these things are never  
27 carried through. I agree that it takes a very  
28 courageous employer to carry them through, but it only  
29 takes one. It only has to be done once I would think  
30 when they get a large damage action, and I am sure that





1 perhaps if the Supreme Court of Canada doesn't interfere  
2 with the verdict in the steelworkers in Gaspé Copper  
3 that quite a bit of the zip will be taken out of the  
4 action in the following strikes.

5 MR. WAGE: In any situation, you have  
6 to go by the conditions as they exist. Now there are  
7 minor wildcats from time to time. We have not had a  
8 bad record of wildcats, we have had the odd one and  
9 we have handled them in the past firmly and administered  
10 what we call our normal penalty, depending on the  
11 man's past record. This, in the ordinary course of  
12 events, is all that is necessary. In a case like  
13 this, I agree it is more difficult.

14 MR. POLLOCK: We heard the other day  
15 of Algoma Steel having a legitimate complaint against  
16 some particular people and having them disciplined,  
17 trying to insist on discipline for a long time but  
18 faced with negotiation they said, "We are not going  
19 to talk about this until you withdraw the discipline",  
20 and eventually they did withdraw the discipline. So,  
21 experience is a good teacher and also a very bad one.

22 MR. WAGE: We did resist a good deal  
23 of pressure. The penalties on these men that were  
24 given were not withdrawn. There may have been a handful  
25 of them withdrawn when we couldn't substantiate the  
26 act. The men in the smelters and so on that walked  
27 off the job were penalized and given warnings. Now  
28 at the ----

29 MR. POLLOCK: But those warnings  
30 didn't count on the record?



1 MR. WAGE: No, the warnings didn't,  
2 but the penalties were still there. They were two  
3 additional days' pay. I agree that it is not an easy  
4 matter for solution, but I do think one major "strike"  
5 for it is in the recommendation that the unions be  
6 made financially responsible. I would suggest that  
7 the leaders of the union where work stoppage such as  
8 this took place have a legal obligation, or, pardon  
9 me, they have a moral obligation and they should have  
10 a legal obligation.

11 MR. POLLOCK: They have got one.  
12 The contract was in existence at the time?

13 MR. WAGE: Yes, but not for civil  
14 action.

15 MR. POLLOCK: Well, certainly you  
16 could recover damages from them in the same manner.  
17 The money comes in from a different spout but it is  
18 still money.

19 MR. WAGE: It is a much more round-  
20 about-way of getting it.

21 MR. POLLOCK: It comes in though, if  
22 you want to proceed on it. It may be short.

23 MR. WAGE: Sometimes it does and  
24 sometimes it doesn't. This strike, for example, to  
25 get a strike to be declared an illegal strike you  
26 have got to go to the Labour Relations Board and ask  
27 for a declaration of an illegal strike.

28 MR. POLLOCK: Well, in these cir-  
29 cumstances, when a strike occurred during the currency  
30 of an agreement it goes through the grievance procedure





1  
2 work stoppage occurred during the currency of the  
3 agreement, then what is the answer?

4 MR. WAGE: Well, I was talking about  
5 getting a declaration of an illegal strike.

6 MR. POLLOCK: Well, I am saying that  
7 we are getting damages from them. I can see that  
8 there is a good argument and it is paid in some cases,  
9 it was made this morning for liability for acts  
10 that aren't covered by the collective agreement and  
11 where they aren't / an entity and where they are  
12 collected by the rights of Labour Act. That is not  
13 this case. This case is covered and you can get  
14 damages.

15 MR. WAGE: You can go through the  
16 grievance procedure and, in this case, we did start.  
17 Right at the end we backed down, and I am afraid that  
18 their associate here yesterday apparently wasn't any  
19 happier about going and being negotiated out but we  
20 went and negotiated. When the stakes are large  
21 enough and with a company such as ours, / that pressure from  
22 outside to get the settlement and let the chips fall  
23 where they may becomes pretty serious.

24 MR. POLLOCK: When the chickens go  
25 out to roost and those people have to collect the eggs.

26 MR. WAGE: Yes, that is right, but  
27 the company is always the one that is caught in the  
28 middle.

29 THE COMMISSIONER: Well the fact is  
30 that this country in which all these violences were



1 more or less latent presents a succession of breaches  
2 of the peace and I was just to think - you begin  
3 with a scuffle, then you have a fight, then there is  
4 an unlawful assembly and then there is a riot, an  
5 insurrection and a revolution and a civil war. So  
6 we are brought face to face with words we haven't  
7 used for many generations. And it all involves the  
8 breach of what for a thousand years was considered  
9 to be of the utmost importance. The dream of  
10 peace so that people will feel secure in their homes  
11 and on the streets and at their work. That, to my  
12 mind, is one of the vital features of this licence,  
13 you might say, to groups to have it out between  
14 themselves, disregarding totally when they become  
15 involved in that, the interests of the public.

16 MR. WAGE: Along the line that Mr.  
17 Pollock referred to as the company's right to go  
18 after the union through the grievance procedure. In  
19 the first place, it <sup>has</sup> / only achieved results in the  
20 small percentage of the cases. But, more important ---

21 MR. POLLOCK: Well, it is only  
22 resorted to in a small percentage of cases.

23 MR. WAGE: Well, that may very well  
24 be true. But, more important, I would suggest that  
25 the fact that the union could be sued in civil court  
26 would strengthen the hand of the officers themselves  
27 in handling undisciplined minorities in their midst.  
28 Now, when you go on to what took place in September,  
29 we had two shutdowns. Now, we had a pledge and it  
30 takes us some days to shut down. I think I have



1 described here fairly briefly but gave you some idea  
2 of the problem that in July we had over 44,000 tons of  
3 intensive molten metal to be handled. But where  
4 you have a temperature of over 2,000 degrees and  
5 nobody to handle it but the supervision and that is  
6 not counting the tons and tons of fluids and so on  
7 that had to be looked after. In September, at the  
8 time the memorandum of settlement was being signed  
9 and with the union saying they will have a secret  
10 vote. There was still a minority, as reported in  
11 the press, who got up at a big meeting and voted by  
12 a show of hands not to have a secret vote. Now, with  
13 all due credit to the local leadership, they went  
14 ahead and had it anyway with the anticipated result.  
15 But, here was a clear cut case of a militant minority  
16 trying to force their will not only on the company  
17 but on the majority. Many, many of these acts of  
18 intimidation were directed against other workmen  
19 and not against company officials. And I would  
20 suggest that if the union leadership were able to  
21 get up at these meetings and say well not only can  
22 the company go through the grievance procedure which  
23 somebody is going to belittle and say, "Well, that  
24 is something in the distant future", but we are  
25 civilly responsible to carry out things properly.  
26 It would strengthen their hand very materially.

27 MR. POLLOCK: I can't see how it  
28 would strengthen them at all in this particular cir-  
29 cumstance, because in the end result, and if  
30 you could sue them civilly you can collect damages.





it

1 In the grievance procedure, the way / has been established  
2 now since Polymer, you can collect damages. Outside  
3 the contractual situation you have a case. There  
4 is probably a vacuum and they can see, "Well, we are  
5 free to do whatever we want and nobody will touch us."  
6 But under the contract we have got the same persuasive  
7 effect of saying, "Go back to work, let us work this  
8 out and wait until you get into a free period, other-  
9 wise they will get damages from us". If you resort  
10 to that technique that is available to you, you may  
11 have some success. The only thing is that I think if  
12 there is a hesitancy in resorting to the machinery  
13 that is available to you under the contract to get  
14 damages, I think there is an equal amount of hesita-  
15 tion going to prevail in the individual civil cases  
16 as we found in British Columbia for seven years that  
17 it has had civil liability for trade unions, and only  
18 one action.

19 THE COMMISSIONER: Is there anything  
20 in the ordinary contract that provides against the  
21 damage to property? You don't contemplate that,  
22 do you, in your agreement?

23 MR. WAGE: No.

24 THE COMMISSIONER: Then the only way  
25 you can sue them is by having them made corporate  
26 bodies. All I have in mind is the fact that the  
27 violation of the agreement to damaged property that  
28 it would be a civil wrong.

29 MR. WAGE: It would be a civil wrong  
30 and should be suable for that reason.



1 MR. POLLOCK: But, if the damage was  
2 caused by an unlawful strike you have a damage griev-  
3 ance of procedure?

4 MR. WAGE: Then first, you have got  
5 to prove that it was an unlawful strike which means  
6 you have got to go to the Labour Relations Board and  
7 get a declaration.

8 MR. POLLOCK: No, you don't.

9 THE COMMISSIONER: There is no need  
10 of our discussing that, but the destruction of  
11 property is the natural result of an unlawful strike.

12 MR. WAGE: Well, in any case, as I  
13 started to say, this is not a brief. We didn't make  
14 recommendations. We felt that the episode of last  
15 summer would support many of the recommendations in  
16 the Mining Association briefs, the need for ex parte  
17 injunctions, for example. In this case, with the  
18 size of ours, it was much easier for us, I suggest,  
19 to hire three or four helicopters even if they were  
20 shot at in bringing the food in and then to look  
21 after our plants and shut them down properly.

22 MR. POLLOCK: Do you think they  
23 would have had any success in getting an injunction, do  
24 you think that would stop the people from picketing?

25 MR. WAGE: It would not have stopped  
26 them from picketing but, again, I believe very firmly  
27 that the great majority of our employees were not  
28 involved in violence of this type. The great majority  
29 of our employees were intimidated. Many of these acts  
30 of intimidation was damage to the cars in the parking





1 lot. The ex parte injunctions but the responsibil-  
2 ity on the civil authorities to act. Now, the day is  
3 long, long past when the company should even consider  
4 attempting to force its way into a plant. This is  
5 a way, way out.

6 THE COMMISSIONER: Well, that,  
7 of course, is an intolerable situation.

8 MR. WAGE: And the only result is to  
9 get an ex parte injunction and turn it over to the  
10 civil authorities. Now, if they can't, then you are  
11 in trouble.

12 MR. POLLOCK: I think you misconceive  
13 the function of an injunction. It is not being  
14 enforced by civil authorities, it is being enforced by  
15 you.

16 MR. WAGE: Well, pardon me, we get  
17 the order, but the sheriff reads it.

18 MR. POLLOCK: The sheriff reads it,  
19 but if you are to move for contempt, you proceed with  
20 it. Apart from that, you could lay your information  
21 under watching and besetting and you could  
22 do all kinds of things under the Criminal Code. I  
23 don't know whether it would have any affect or not  
24 on this number of people in this atmosphere.

25 MR. WAGE: I think it might very  
26 well have cleared it up very quickly, as all these  
27 episodes occur and the first day of a wildcat is the  
28 worst. You get/aggravated by a certain amount of  
29 liquor and so on and after two or three days, I don't  
30 think there was more than a handful of men on that



1 picket line that expected that affair would last  
2 any more than over the weekend. As a matter of fact,  
3 when I tried to get into the head office myself, one  
4 man said to me, "Well, we're going to have a weekend  
5 holiday.

6 THE COMMISSIONER: Well, what this  
7 discussion shows is the disorder that can result as  
8 a social phenomenon, and I just mention this and it  
9 will be all I will ask.

10 Somebody in England on one occasion  
11 the Attorney General came into the House of Commons  
12 with an amendment to some Act and I can't tell you  
13 what it was, but in any event, it was relevant to this  
14 issue and he was asked why he was being reluctant,  
15 why didn't he punish these people and he said, "We  
16 have neither courts enough nor persons enough to  
17 handle 7,000 or 8,000 people". So what that emphasizes  
18 is the difficulty of handling these things and I agree  
19 with you that we ought to try to act before this  
20 fire bursts out. And, how are we going to do that?  
21 Well, I think we can say that you can't do it by  
22 certain means. You can't do it by adopting an  
23 arbitrary attitude or a too selfish attitude or an  
24 attitude that is wholly unacceptable. Now, whether  
25 we like that or not, it is a fact as one would  
26 describe, it in human nature. You have got to keep  
27 these things in mind and remember that sooner or  
28 later we have all got to reach that stage where we  
29 are content with the situation which has been brought  
30 about and I think the lesson is in my jargon, and I



1 think the jargon of our courts is reasonableness. In  
2 order to make one's own stand reasonable, we must be  
3 able to get away and look at ourselves occasionally  
4 and see the item of selfishness that is influencing  
5 us as well as being able to see it from the exponent  
6 of the conflicting interest. Now, I think a discussion  
7 like this shows very vividly the difficulties. There  
8 is no question that can be raised to these matters that  
9 you cite. They are illegal and nobody disputes that.  
10 The problem before all of us as a social body here,  
11 how best to deal with it, and you can't do it by  
12 simply saying, "Let us pass laws". We just can't do  
13 it. We've got to do more than that. There has to  
14 be a relation established such as in contemplation  
15 in a continuing consultative group. You've got to  
16 concede more in the way of taking people into con-  
17 fidence. It may not apply to your work, I don't know,  
18 but I know it does apply to coal mining and it does  
19 apply and has been put into effect very effectively  
20 that you have before you begin a new advance into a  
21 scene you call some of the leaders in and get their  
22 ideas of how better it can be carried out. Now, that  
23 very consultation is a circumstance of significance.  
24 I think what we ought to look to is what has been  
25 suggested time and time again, and have closer  
26 communication between the men and the management.  
27 Let there be more self respect and common respect,  
28 and we can't do it by inculcating hostility or by  
29 showing authority or by treating people more or less  
30 cavalierly. I think we are all pretty much animated





1 by the same tendencies and the same impulses when  
2 some people are put into the position where they are  
3 better able to direct these than others and I think  
4 we are obliged to you for presenting this very vividly,  
5 what actually takes place, because you can't get  
6 that by reading newspaper reports. It is very  
7 significant in the way, there is one way we can, as  
8 you suggest, hold a union to the ordinary liability  
9 of a private citizen. Up to the present time, I  
10 haven't heard any real answer to that, but you know  
11 that in England they are not subject and it is pretty  
12 hard to say what the present labour enquiry will  
13 recommend what it may be. At the Ford strike here  
14 a few months ago it said in a press report that 500  
15 policemen battled with the strikers for an hour or  
16 so. That was the Ford strike in England, of course.  
17 So these clashes between the human animal are something.

18 MR. WAGE: Just in closing, I make  
19 no recommendation there, but I do feel very strongly  
20 and particularly, that the last thing the company  
21 wanted this summer was a strike. No large company  
22 ever deliberately foments a strike. We were bargain-  
23 ing to the best of our ability and we met early  
24 with them and we met regularly with them and we made  
25 a very substantial offer. We had gone out of our  
26 way to handle the arbitration procedure and we are  
27 are doing a filigree with the union. They hadn't  
28 suggested any alternative. The question comes in,  
29 "What brought this on?" What brought it on, speaking  
30 personally and not for the company in this regard,



1 all I can say is, it was brought on by internal strike  
2 in the union, such as rivalry in the union. This  
3 was completely beyond the company's control and the  
4 company has always kept out of interference in union  
5 affairs, so that in this case we feel that the  
6 company was very much an innocent bystander.

7 MR. POLLOCK: Thank you very much,  
8 gentlemen, for coming forward.

9 Mr. Eoll, we had a brief opportunity  
10 during lunch hour to read your brief and rather  
11 than a brief it is an experience that the  
12 company has had that is again, in answer to my request  
13 for personal and actual experiences.

14 MR. EOLL: There are certain parallels  
15 between our experience and what we have heard about  
16 the Inco experience, except that ours never reached  
17 the proportions. Our operations are located west of  
18 the Lakehead in an open pit mine with a small amount  
19 of production coming from an underground mine. We  
20 are small in terms of production.

21 During 1964-1966, our production  
22 ranged very narrowly on either side of 1-1/4 million  
23 tons. Our employees ran during that same period  
24 at a minimum to 620/maximum. That was hourly  
25 and salaried employees. They are represented by  
26 Local 3466 of the United Steelworkers of America.  
27 Now, the situation that I wanted to describe was  
28 early 1965.

29 MR. POLLOCK: Was this the same  
30 strike that caused some inconvenience to Coland Ore?





1 MR. EOLL: Yes, it was the same  
2 strike, July 31st to August 15th. It was a strike  
3 which closed down our operations completely and it  
4 was regarded as an illegal strike because it occurred  
5 during the term of the agreement, which didn't run  
6 out until the following April. That would be 1966.

7 Briefly, the matters in dispute  
8 were one day's suspension for one employee and a  
9 refusal to guarantee no penalties arising out of the  
10 illegal strike that ensued. I thought I might briefly  
11 run over the so-called cause of the strike in order  
12 to put the thing in some kind of perspective.

13 An employee was suspended by his  
14 foreman for not obeying an order to remain where he  
15 was in the dry, that is the change room, until he,  
16 the foreman, returned to discuss with him his taking  
17 a leave of one shift after it had been denied to him.  
18 He had <sup>been</sup> refused this the day before because of a  
19 shortage of labour at that particular time, the  
20 holiday time, and the foreman had already given leave  
21 for the day to four other people on the shift.  
22 The employee claimed he had not been told either to  
23 sign the A.W.O.L. slip or go home and had not been  
24 told to stay in the dry. He had gone home. When  
25 he came back the following afternoon, he was given  
26 a notice of suspension pending decision regarding  
27 what the penalty should be. This was Thursday  
28 afternoon.

29 On review by supervision, it was  
30 decided that the penalty should be a one-day suspension.



1 Accordingly, the suspension slip was made out for  
2 delivery to the union and to the employee concerned.  
3 The penalty day was Friday, July 30th.

4 Now, sometime the previous day, the  
5 employee had taken his interim notice to the union.  
6 The one-day suspension slip was prepared Saturday  
7 morning on July 31st, so that it was expected the  
8 employee would go back to work that afternoon for his  
9 regular afternoon shift. An attempt was made to pass  
10 this message by telephone to the employee, but he was  
11 not found at home and the "adult female" who answered  
12 said the message would be passed on to him.

13 Now, the question of the grievance  
14 had already been presented to the foreman, that is,  
15 the question of the suspension had already been  
16 presented to the foreman as a grievance that morning.  
17 He had claimed for the day that he was at home and  
18 also for the day he was suspended. During the  
19 afternoon on Saturday, about three o'clock, a number  
20 of employees, including some of the union executive,  
21 stationed themselves alongside the road to the mine.  
22 Among these was the grievor. A few minutes afterwards,  
23 a senior supervisor going to work enquired about the  
24 grievor's notice to return to work and the grievor  
25 claimed that he knew nothing about it. So, right on  
26 the spot it was decided to have a meeting on the  
27 grievance to see if they couldn't straighten it out,  
28 and those employees on the roadside who constituted  
29 the bulk of the afternoon shift in the pit who were  
30 due to go to work in about an hour, they were to



1 proceed in the meantime into the mine and go to the  
2 dry and await the outcome of this meeting. While  
3 they were so doing, they would be paid for the time  
4 they spent.

5 The meeting, which involved the  
6 union representatives, including the President, were  
7 told that the grievor was going back to work and it  
8 was suggested the shift should go to work as scheduled  
9 and that the matter of the dispute should be dealt  
10 with through the normal grievance procedure. The  
11 union president and his committee proceeded to the  
12 meeting in the dry to report to the waiting shift.  
13 What he said is not known, but no employee went to  
14 work and those who had reported in other areas left  
15 the job shortly afterwards when the strike was on.  
16 The graveyard shift and the day shift following did  
17 not appear.

18 It was not known how the decision  
19 to strike was reached at the shift meeting in the dry.  
20 A vote may have been taken, but there was no vote of  
21 the general membership until/August 14th and 15th  
22 weekend, which resulted in a return to work.

23 Pickets were established at the  
24 beginning of the strike, taking up their position  
25 along the mine road outside of the company property,  
26 and it was rather remarkable how quickly organization  
27 of some description seemed to go to work, because the  
28 pickets were set up on lists in the union office  
29 indicating shifts that the various members of the  
30 union would take and practically all the employees





1 had a stint on the picket line.

2 It would appear as if somebody had done some organizing  
3 ahead of time and also, as in the case of the Inco  
4 situation, there were signs carried by the pickets  
5 and appeared very quickly and they were not shoddily  
6 done. The number of pickets never exceeded 7 or 8  
7 during the two weeks and was often down to 1, depending  
8 on the time of the day. There was some measure of  
9 interference with traffic on the public road, but  
10 no incidents resulted there.

11 Now, during the two week period,  
12 meetings were held between the company and the union  
13 starting on the Monday, but there was the one on  
14 Saturday and on Monday again we met. It was claimed  
15 that a guarantee of no penalties would result in an  
16 immediate return to work. The thought was expressed  
17 that the people had expected this would be just a  
18 weekend holiday and exactly the same thing was  
19 expressed at Steep Rock. Again, we were asked, as in  
20 the case of Inco, would a guarantee of no penalties  
21 enable to get them back to work. This guarantee was  
22 not given. The grievances associated with the incident  
23 were discussed at these meetings. These were: the  
24 grievance of the employee who had been suspended and  
25 a grievance filed by the company against the union  
26 charging violation of the collective agreement and  
27 seeking damages. Both grievances were referred to  
28 arbitration.

29 Now, the company made no attempt to  
30 seek any legal relief until mid-way through the second



1 week. A Writ of Summons was issued August 10th, 1965,  
2 eleven days after the strike had begun, giving notice  
3 to five members of Local 3466 that action was being  
4 taken against them by the company seeking a declara-  
5 tion of breach of contract from the injunction, and  
6 damages. No other process of law was invoked, includ-  
7 ing resort to the Ontario Labour Relations Board. A  
8 hearing was set for Tuesday, August 17th in Toronto  
9 but no judgment was ever rendered because by that date  
10 the picket lines had disappeared and the employees had  
11 returned to work.

12 Because of this strike, there were  
13 4,750 man-days lost. The wages lost to striking  
14 employees totalled about \$106,000. The financial  
15 loss to the company was estimated at a little short  
16 of half a million. Total loss arising from the strike  
17 was about \$575,000.

18 Penalties were applied. The company  
19 assessed each striker according to the following:  
20 union executive and stewards were assessed 9 days'  
21 loss of vacation pay; the afternoon shift of July 31st,  
22 which is the shift that made the decision to go on  
23 strike. This included two or three stewards. They  
24 were assessed 5 days' loss of vacation pay and all  
25 the others (those who acquiesced in the decision of  
26 the afternoon shift) were assessed 2-1/2 days' loss  
27 of vacation pay.

28 This penalty was based on the provision  
29 which there was at that time, in the regulations of  
30 the Vacations with Pay Act which permitted an excess





1 over one day's unauthorized absence per month to be  
2 deducted from the employee's vacation pay. Each  
3 striker lost at least 10 days' time on unauthorized  
4 absence in August. Hence, the establishment of 9  
5 days' as the maximum penalty - it is 10 minus the 1 day.  
6 This particular method of penalizing was adopted  
7 because we found it impossible to identify who were  
8 the people that were responsible for this.

9 MR. POLLOCK: They were all wiped  
10 out anyway, weren't they, all except for 2-1/2 days  
11 subsequently in the 1966 settlement for damages as  
12 far as your grievance and damages was withdrawn and  
13 all the penalties were reduced to 2-1/2 days?

14 MR. EOLL: That is right. We did  
15 this in the face of pressure at the end of the con-  
16 ciliation board meeting, and we were satisfied that  
17 2-1/2 days at least gave recognition to the fact  
18 that the penalties should be applied and were applied.  
19 Then the two grievances which had been filed were  
20 withdrawn also.

21 Now, the company's position during the  
22 illegal strike was that the picket line should be  
23 removed and that the employees should return to work  
24 and the problems arising from this situation should  
25 then be settled in the proper manner using the griev-  
26 ance procedure.

27 In a similar situation today, the  
28 company's position would be the same. It is likely,  
29 however, that the company would seek whatever legal  
30 relief were available much sooner than it did in 1965.



1 It was amply demonstrated that discussion and exhorta-  
2 tion by themselves are ineffective in terminating an  
3 illegal strike.

4 I simply make the point that in a  
5 situation like this, the availability of fast legal  
6 relief is essential, that is, legal relief from  
7 illegal work stoppage and/or picketing. Now, this  
8 kind of problem becomes particularly acute when the  
9 company is a third party and suffers damage from<sup>a</sup> work  
10 stoppage on picket line activity involving another  
11 company and another union or unions. This occurs on  
12 construction sites and examples of this kind in the  
13 situation are given in the appendage. This is  
14 because it was only just before I left last week that  
15 the information was put together, and I would like to  
16 very quickly cover this.

17 We have under construction a pellet-  
18 izing plant at the mine. This is a very sizeable  
19 expenditure as far as Steep Rock is concerned because  
20 to finance this construction and provide money for  
21 the installation of plant equipment and other equipment  
22 needed, we had to raise \$31,000,000. Any<sup>with</sup> delays/regard  
23 to construction as far as we were concerned, are  
24 serious. Now, I believe you gentlemen are familiar  
25 with the fact that when any large construction job  
26 starts of which there a great many trades represented,  
27 there will be a pre-job conference held between the  
28 plant contractor and one or more of the sub-contractors  
29 and representatives of all the trades involved. Such  
30 a pre-job conference was held back in 1966 and the



1 unions represented were the Millwrights, Ironworkers,  
2 Boilermakers and Operating Engineers. Their particular  
3 attention was given to the installation of certain  
4 equipment on the machine which was going to involve  
5 the state of the work between Boilermakers and Iron-  
6 makers. During this period valid collective agree-  
7 covered  
8 ments with all the trades and everyone of these agree-  
9 ments contains a grievance procedure which tells them  
10 what should be done to handle any issues that might  
11 arise during the currency of the agreement.

12 Two jurisdictional disputes occurred  
13 between the Boilermakers and Ironworkers despite the  
14 pre-job conference arrangements, the first on January  
15 13th, 1967 and the second on February 17th, 1967. Both  
16 resulted in strikes and picket lines.

17 MR. POLLOCK: It says here the  
18 pickets came out on January 13th.

19 MR. EOLL: That might be  
20 correct, because there is only one road to the access  
21 to the site. Any one of these several trade unions  
22 who decided to picket the job, then they picket the  
23 mine road and this successfully halts not only all  
24 activity on the construction site but also shuts down  
25 our mine. Since our employees refused to cross the  
26 picket line, no matter whose it is or what may be at  
27 stake. It seems to be developing into a social  
28 custom that if a picket line is there you observe it,  
29 and afterwards you find out what it is all about.

30 MR. POLLOCK: Do you discipline them  
for observing it?





1 MR. EOLL: In this particular instance  
2 we did not, because it was 100 percent - I shouldn't  
3 say 100 percent, it was 95 percent. Some people came  
4 through early before the pickets were put up.

5 MR. POLLOCK: They are referred to  
6 by numbers then. If two people do it you will  
7 discipline them and if everybody does it you won't?

8 MR. EOLL: We haven't planned any  
9 discipline except in the instance I mentioned where  
10 we disciplined everybody.

11 MR. POLLOCK: It would have been  
12 easier to discipline everybody in this case if it  
13 was 95 percent.

14 MR. EOLL: We couldn't use the dis-  
15 cipline we used before because it was no longer  
16 provided for in the regulations in the Vacation with  
17 Pay Act.

18 MR. POLLOCK: You could certainly  
19 suspend them?

20 MR. EOLL: This would be a decision  
21 we would have to make whether we wished to further  
22 lose production by suspension of the whole workforce.

23 MR. RIGGIN: Excuse me, but you can  
24 always suspend on a schedule.

25 MR. POLLOCK: That could be a  
26 staggered period of suspension.

27 MR. RIGGIN: Yes, but it still fouls  
28 up the production.

29 MR. EOLL: Well, as is indicated in  
30 the table here, there were the two strikes and the



1 first one resulted in one shift of mining production  
2 and wages lost and the second one resulted in four  
3 being lost.

4 In the second incident, the sub-  
5 contractor, ~~James~~, made application for an  
6 injunction in Montreal, which was denied. By the  
7 time they made application the picket line was gone.  
8 It was gone on the Tuesday afternoon.

9 MR. POLLOCK: The work stoppage was  
10 in Ontario, wasn't it?

11 MR. EOLL: That is right. This is  
12 something that puzzled us.

13 MR. POLLOCK: I am afraid that would  
14 puzzle anybody.

15 MR. EOLL: Now, then, there were at  
16 least five other strikes that were illegal, which  
17 halted activity on some part of the construction site  
18 but which did not result in mine stoppage because no  
19 picket line went up. Had there been a picket line  
20 and there might very well have been, the same con-  
21 sequences would have followed, and there would have  
22 been no work done during the time the pickets were  
23 there. In these cases, it was a complete disregard  
24 of the collective agreement and the regular grievance  
25 procedures set out there and a disregard of the no-  
26 strike provisions of the collective agreement that  
27 precipitated the problem which is all too common in  
28 Ontario and which can, or has been repeated time and  
29 time again across the province at a great many con-  
30 struction sites. In fact, if this could be put together,





1 a week ago yesterday there was another one where the  
2 Painters' Union had not succeeded in making a settlement  
3 with the Builders' Exchange at the Lakehead.

4 MR. POLLOCK: We were there those  
5 days.

6 MR. EOLL: Then you would be familiar  
7 with it. Monday morning, a week ago yesterday,  
8 pickets appeared on the road <sup>two</sup> / painters and no  
9 painting had been going on on our construction for  
10 about a week or a week and a half or two weeks.

11 These two men had appeared on the side of the road  
12 and <sup>none</sup> / of our employees went by. We took no action  
13 at that time. An attempt was made to find out what  
14 was happening and if an injunction was being sought.  
15 We were told it was but again the picket line was  
16 taken off before it interfered with production. But  
17 the point here is that we wanted to exercise the  
18 need for maintaining some kind of very fast action:  
19 that we would feel, as would any other company faced  
20 with this kind of thing time after time, we would  
21 like to take some action quickly that would result  
22 in the elimination of the picket line and removal of  
23 all obstructions to employees going back to work.

24 As has been referred to this morning, <sup>in</sup> / the O.M.A. brief  
25 we would like to see this kind of thing ensured in  
26 the future so that whatever might come out of this  
27 Commission, that companies will not find themselves  
28 worse off than they have in the past in relation to  
29 getting quick relief. We were a little concerned  
30 about the difficulty of getting injunctions quickly



1 that seems to have been developing to some extent in  
2 the last year or so.

3 MR. POLLOCK: It seems in those cir-  
4 cumstances that you suggest there is some conduct  
5 that makes a mockery of the collective bargaining  
6 process as it induces among employees scorn  
7 for contracts made by by recognized representatives.  
8 I think, unless you provide for some enforcement  
9 machinery, to penalize employees who are in breach  
10 of the collective agreements and not crossing the  
11 picket line, then you are inducing or you are as  
12 much responsible for some of that scorn as these  
13 other unions. If the people know and they refuse to  
14 cross and there is not going to be any repercussion  
15 from that activity, then they will continue to do it,  
16 and I am sure that in some cases, and there have been  
17 cases occur in the province where disciplinary action  
18 has been taken against employees for refusing to  
19 cross picket lines when they have no right under a  
20 collective agreement, they have crossed picket lines, and  
21 have said to people picketing "I am sorry I am going to be disciplined  
22 if I don't cross this picket line."

23 MR. EOLL: Well, you can rest  
24 assured, Mr. Pollock, that our management is seriously  
25 considering this kind of situation. All we ask is  
26 that nothing happen in the future that will make it  
27 more difficult for us to handle this. The disposition  
28 to take action and apply penalties is growing very  
29 strongly with us because of this application.

30 THE COMMISSIONER: Well, you find



1 that picket line a nuisance, don't you.

2 MR. EOLL: It is an absolute nuisance.

3 THE COMMISSIONER: And it could  
4 include terms, the question is, what are you willing  
5 to pay for its elimination?

6 MR. EOLL: What are we willing to  
7 pay for its elimination?

8 THE COMMISSIONER: Yes, by making  
9 other concessions.

10 MR. EOLL: I don't think we should  
11 be expected to pay anything.

12 THE COMMISSIONER: Well, that is one  
13 view that you can take on it.

14 MR. POLLOCK: Thank you, Mr. Eoll,  
15 we are obliged for your assistance.

16 The next man is Mr. Schell.

17 MR. SCHELL: This work stoppage took  
18 place on our Algoma mine very recently in the past  
19 month. After the men returned to work, penalties  
20 were meted out and there were grievances and they were  
21 still within the time limits for unions submitting  
22 these grievances to arbitration. Therefore, our  
23 company doesn't feel that we should discuss this  
24 matter publicly, but we do wish to submit<sup>it</sup> for your  
25 information and consideration.

26 MR. POLLOCK: Well, we won't  
27 embarrass your prejudice of the proceedings by  
28 asking questions about it.

29 MR. RIGGIN: I wonder, Mr. Commissioner,  
30 if I might take a moment to thank you and Mr. Pollock





1 on behalf of the Association and the individual mining  
2 companies for listening so attentively to our problems  
3 and our submissions. If I may just speak for one  
4 moment with some feeling on this question of a company  
5 standing with its disciplinary action or its writ or  
6 its grievance for damages and I am speaking now  
7 because I do work for a company who takes a tough  
8 line, if you will, but please bear in mind that we  
9 pay a very high price for that. We are, number one,  
10 known as an anti-union company, which is not true,  
11 but our posture in these things helped this lie,  
12 if you will, to be perpetrated and just one comment  
13 on Mr. Pollock's view about British Columbia that  
14 it is true there only has been one case since the  
15 legislation was changed, but we really don't know how  
16 many or how much conduct was deterred because of the  
17 legislation.

18 MR. POLLOCK: Well, we do know that  
19 there have been hundreds of injunctions claiming  
20 damages in the same manner issued but never  
21 proceeded with. So that there/has been the damage and  
22 there have been the problems and it hasn't been all  
23 sweetness and light in British Columbia since 1959.

24 MR. RIGGIN: Not all, and this is  
25 what I wanted you to say and this comes to my next  
26 point, that you must bear in mind that a writ of  
27 summons or a grievance for damages or perhaps even  
28 disciplinary notice has become a very real bargaining  
29 in  
30 told/management's hands for the ultimate settlement.

Now, whether it should be used that way or not, it is



1 beyond someone like me to say. I say that is for each  
2 to look at his own house and decide how to use it.  
3 But you should not lose sight of the fact that a sub-  
4 stantial writ of summons for damages becomes a very,  
5 very real bargaining tool.

6 MR. POLLOCK: Well, it has been  
7 suggested that that is a misuse of the courts to  
8 make it a bargaining tool.

9 MR. RIGGIN: Well, that leads me to  
10 my very last point. It may be that we should have  
11 legislation that prohibits the settlement of legal  
12 actions as an integral part of collective bargaining  
13 negotiations. Once again, thank you, on behalf of  
14 the Association and the individual members.

15 THE COMMISSIONER: We are very much  
16 obliged to all of you gentlemen for appearing here  
17 and giving us these briefs and elucidation. The  
18 program is not easy, as you can see. It strikes me  
19 the facts that must be taken into account really  
20 go to the very foundation of democratic cohesion  
21 and democratic collaboration. We want that sort of  
22 society and if we want it then we have got to  
23 discipline ourselves because of the various notes  
24 and the tones that we hear in the orchestration. But  
25 we are very much obliged to you, indeed, and I speak  
26 on behalf of both of us, to have you here today.

27 ---Short recess.

28  
29 MR. POLLOCK: Mr. S. D. Adams. Mr.  
30 Adams, we have your brief and we haven't had an





1 opportunity to give it any kind of detailed considera-  
2 tion, we have managed / to look through it very cursorily and  
3 as far as the presentation, it is up to yourself  
4 and maybe you can summarize some of the aspects and  
5 raise some of the points that you think are most  
6 salient in your submission.

7 MR. ADAMS: I think if I may quickly  
8 read the whole brief. My name is S.D. Adams and I am  
9 Welded  
President of S.D. Adams/Products Limited. Our  
10 company is classed as a very small business by Canadian  
11 industrial standards since it employs regularly less  
12 than 50 persons and does less than \$1,000,000 worth of  
13 business each year.

14 Most of our work is performed for the  
15 Construction Industry in the form of Structural Steel  
16 and Ornamental Iron: that is, we fabricate and erect  
17 the structural steel frame work for buildings and we  
18 make such things as steel stairs, flag poles and door  
19 frames, etc. At other times we make Industrial Equip-  
20 ment which includes such things and involves such  
21 trades as Ductwork: Tinsmithing, Manifolds: Pipe-  
22 fitting, Machine Bases: Mill Wrighting. In the  
23 welding business one must of necessity be a Jack of  
24 all Trades and a hope to be a Master of some.

25 We have a very fine group of employees:  
26 happy, honest, industrious and intelligent. We have  
27 only been in business for 15 years but have a surpris-  
28 ingly large number of employees who have been with us for  
29 a high percentage of that time: this is always a good  
30 indicator of harmonious working conditions. In addition



1 to this, I am proud to say that there has never been  
2 an attempt by the employees to have the Company  
3 certified, let alone a delegation approach management  
4 with a grievance. I think that this also indicates  
5 that our Company has a very fine and intimate relation-  
6 ship with its employees.

7 It is customary for the manufacturer  
8 of structural steel to erect his product on job site.  
9 Some years ago due to threats of picket lines in front  
10 of our customers' places of business, we were obliged  
11 to make those of our employees who were engaged in this  
12 outdoor work join the International Association of  
13 Bridge Structural and Ornamental Iron Workers, Local  
14 Union No. 786. This is the only Union with whom we  
15 have a contract, although we do have a crane operator who  
16 I believe is a member of the International Union of  
17 Operating Engineers, Local 793, his membership is  
18 necessary as he works with our Ironworkers.

19 The 80% of our employees who do not  
20 belong to a Union, do not wish to as far as I am able  
21 to ascertain. Needless to say there are many pressures  
22 on both management and employee to upset this situation,  
23 exerted by the Business Agents representing the unions  
24 which claim that "they own" the various types of shop  
25 work we perform. I know that if our employees were  
26 organized by one of those enormous militant inter-  
27 national unions who appear to control so very much  
28 of Canada's economy, the whole happy and respected  
29 relationship between management and employees would be  
30 destroyed, and its place taken by all that is mean and





1       deceitful.

2                       When discussing Unions and their  
3       activities a small business man, like myself, is a very  
4       lonely soul indeed: he feels as though he doesn't  
5       have a friend in the world. The political segment of  
6       government only has an ear for votes, and of course the  
7       businessman has only one. The customer for whom the  
8       businessman is supplying a service is only interested  
9       in obtaining service at the lowest price and without  
10      delay. The union is only interested in money, and is  
11      not, as a rule, prepared to work any harder for it.

12                    The small businessman is used many  
13      times as a tool by unions, who, due to their huge size  
14      are able by their bullying superiority to obtain  
15      unreasonable contracts; which in turn are used as  
16      evidence in future negotiations with large companies  
17      to the detriment of all industry. The small business-  
18      man is expected not only to consider his own competitive  
19      position when negotiating with unions, but also that of  
20      his country as a whole, and for this he gets very  
21      little help.

22                    The active elements in a Union are  
23      generally a pretty poor type of workman. There are  
24      a few dedicated men, and some quite capable men who have  
25      found unionism is good place to employ their special  
26      talents. However, the man who leans most heavily on  
27      unionism is not the hardworker, the skilled craftsman,  
28      the one anxious to get ahead, or the one who is proud  
29      and satisfied with his work. No, he is the lazy, the  
30      something for nothing, the intriguer, the misplaced,





1 and the type that derides hard work and price in per-  
2 formance as a suckers' racket.

3 Most labour contracts are written  
4 around those attitudes: note how any group of men  
5 doing the same job must be paid the same rate  
6 irrespective of output; not how a journeyman pipefitter  
7 with any number of years experience must only during  
8 that time be required to have as tools a 6'-0 tape, a  
9 torpedo level and a pair of pliers; note how a welder  
10 must be paid while being qualified as a welder in a  
11 weld test; note how a truck driver must be employed  
12 to sit in the cab of a mobile crane, while the crane  
13 operator is hoisting materials from a semi-permanent  
14 position.

15 When one of these nihilists gains a  
16 position of authority in the Union, all other authority  
17 is out. These are the ones who have caused the need  
18 for this Inquiry. These are the ones who break  
19 contracts by walkouts, by slowdowns, and by refusing  
20 to cross other unions' picket lines. These are the  
21 arrogant, abusive bullies of the picket line. These  
22 make the anonymous threatening telephone calls. These  
23 are the ones who dip into union funds and tamper with  
24 juries. And above all refuse to accept responsibility  
25 for their actions.

26 We are being constantly harassed by  
27 these people. The most ridiculous part of the whole  
28 tragedy is that because of the failure of our employees  
29 to want a union to represent them, the unions have  
30 attacked them with Boycotts, Restraint of Trade and



1 Picket lines in an attempt to force the management to  
2 force the employees to join the union! It is my  
3 belief that an active union does not wish management  
4 and employees to be in each other's confidence, rather,  
5 union leaders seem determined to germinate and foster  
6 seeds of discontent, suspicion and distrust, so as to  
7 be able to identify themselves as a modern St. George  
8 facing the terrible Dragon.

9           The Business Agent is the man with  
10 whom I have most contacts, and I sometimes think  
11 that this title is more descriptive than was originally  
12 intended. Unions are now big business, and whilst  
13 their commodity is the working man, their profits come  
14 from the Union Due. Note how it is protected, guar-  
15 anteed and collected by the Closed Shop, the Union  
16 Checkoff, the levying of fines on members, and inter-  
17 union raiding and jurisdictional disputes. The sale  
18 of a membership produces a lifetime source of revenue,  
19 and as in any business, the more sales the greater the  
20 income. One wonders sometimes just what is the real  
21 purpose of unions these days.

22           Because our Company does the work of  
23 a Jack of all Trades, we have conversations with  
24 several Business Agents. A curious sequence to these  
25 meetings is that nothing is ever put into print, so  
26 it is very difficult to produce any evidence showing  
27 the usual comments and threats that are made. While  
28 it is a great privilege for me to be here in this  
29 Court and to witness the decorum with which it is  
30 conducted, it is a long way from the roughness and





1 distrust that pervades a lot of my meetings with  
2 business agents. One agent that I deal with is, as  
3 far as I am able to discern, a congenital liar. Can  
4 you imagine what hope there is of ever going through  
5 the life of a contract with him without a mockery being  
6 made of it?

7 A year or so ago when Mr. James Tye,  
8 Business Agent for the Ironworkers and I were discuss-  
9 ing some changes in our Agreement, I asked him what the  
10 men thought of them, and his reply was, that "It was  
11 none of their damn business!" This to me is a strange  
12 attitude.

13 Because of our non-union shop our  
14 work has been boycotted by Members of Local 508, Sault  
15 Ste. Marie, Ontario, of the United Association of  
16 Journeymen and Apprentices of the Plumbing and Pipe  
17 Fitting Industry of the United States and Canada, as well  
18 as by members of Sheet Metal Workers' Association,  
19 Local Union 433 Sault Ste. Marie. We have been  
20 threatened with picket lines by Mr. Quade, Business  
21 Agent for the Operating Engineers.

22 Some of these incidents have triggered  
23 serious illegal work stoppages and the least of them  
24 have caused financial losses to our Company and  
25 employees. The Business Agents control during these  
26 is as capricious as the wind, and his ability to  
27 vanish during illegal disturbances is phenomenal. I  
28 have had Mr. Tye in my office refuse to answer long  
29 distance calls concerning illegal activities by his  
30 members elsewhere. This conduct of course is



1 encouraged by the sense of irresponsibility which  
2 comes from not being a legal entity.

3           It always seems peculiar to me what  
4 while a Union will fine a member for crossing a picket  
5 line, as happened this year with the Bricklayers in  
6 Sault Ste. Marie, or breaking any other "house rule",  
7 they never seem to fine members for breaking contracts  
8 which they have with their employers. No wonder they  
9 look with such horror at the suggestion that they  
10 become incorporated. Fighting a union is like fighting  
11 a ghost, nothing seems to be tangible. I think this  
12 lack of incorporation of such a huge potential for  
13 evil is a sin and that the Government should put  
14 country first instead of votes, and correct this  
15 inequity.

16           I believe that the basic idea of  
17 a strike is quite sound, but it is a terrible device  
18 to use because it causes so much harm to the innocents,  
19 such as immediate families and other citizens not  
20 directly involved with the hoped for benefits. The  
21 strike indicates to me a bad sense of judgment on the  
22 part of one of the sides involved; usually based upon  
23 avarice, arrogance, obstinacy and irresponsibility. I  
24 believe that it should be appreciated by the people  
25 involved that in the long run, continued negotiations  
26 is much more sensible and practical.

27           Personally, I have always thought that  
28 if I wasn't being treated as I felt was my due, and  
29 if protests failed, I always had the privilege of  
30 changing employers. Through my experience in hiring



1 employees it quickly became obvious to me, that if I  
2 did not provide a suitable income and working con-  
3 ditions, I was not only unable to find new employees  
4 but I was also unable to retain the good ones. The  
5 law of Supply and Demand is a very good arbitrator.

6 A few silent, unobstrusive placard  
7 carrying pickets should never be considered as  
8 obnoxious by anyone, however it is the old question of  
9 to what degree can the opposite of this prevail. I  
10 believe that any person should be able to go about  
11 his lawful business without the fear of a militant  
12 picket line, and therefore I say that intimidation is  
13 the crux of the question of degree.

14 It is unfortunate that when a large  
15 group of people congregate they can easily be turned  
16 into bullies of the worst sort, where as individually  
17 they would never be recognized as a person of that  
18 capability. It therefore follows that the degree of  
19 picket line trouble usually varies directly with the  
20 number of pickets. I wish the Court could have the  
21 opportunity of experiencing the terror that emanates  
22 from a mob of pickets who have been skillfully stirred  
23 up by an agitator: it is the antithesis of justice.

24 I fail to understand why the Federal  
25 Combines Act with respect to Restrictive Trade  
26 Practices does not seem either inclined or able to  
27 prevent Boycotts by unions against other employees  
28 and/or unions. This is becoming a very serious problem  
29 and is causing considerable distress. It certainly  
30 bears looking into by the various governmental author-





ities concerned.

I am sure that the Court has heard enough about Injunctions, and I don't think it was a good choice by the unions for a publicity stunt, which is what it appears to be. I was amused when I noticed that in a recent dispute in Sault Ste. Marie one of the Railway Brotherhoods asked the Company to apply for an Injunction against another union!

In the overall picture of labour-management relations one part is being obscured: that is the economic welfare of our country. More and more, Canadians must compete against all comers, and if the price is not right no one will buy the article which is for sale, and that article is the productivity of our labour. . Since wages must be tied to productivity they must not rise beyond reason or else economic chaos will ensue.. I suspect Canadian management can now see that handwriting on the wall and they must now know that if they are to survive in world trade they must change their attitude towards labour relations.

From the reckless course which the Unions are following in their preposterous claims upon management, it seems to me that there will soon be a strenuous reaction. Unfortunately this is going to cause serious financial stress to a lot of people and corporations while it lasts. But it is the only obvious cure for an even worse disease which occurs when a group of people price themselves out of the market place.

I believe this explosion will occur when at long last management takes a few straws from



1 union methods and digs its heels in on a province-wide  
2 basis. This will stop their amazingly successful  
3 practice of divide and conquer. It will produce some  
4 staggeringly expensive strikes and a temporary  
5 recession in the economy which will come close to  
6 conditions experienced during the 1930's. Company  
7 inspired lockouts, grievances and suits will be the  
8 order of the day. This Inquiry has made management  
9 pause longer than usual in its daily business and to  
10 have a good look at its position: the sight is not  
11 pleasant, hence the gathering storm clouds.

12 It is a great experience for me to  
13 receive the consideration which has been given here,  
14 and I wish the Court every success in its endeavours.

15 MR. POLLOCK: That is a very powerful  
16 and moving document, Mr. Adams.

17 THE COMMISSIONER: There is one thing  
18 that strikes me that you might have something to say  
19 about, / <sup>that</sup> there doesn't seem to be the slightest co-  
20 operation between employers in the province and a  
21 common force. Let me exemplify that. There was a  
22 strike at one of the packing plants and the men who  
23 were off work through the strike were taken in by a  
24 competing packing plant and they were used to show  
25 the size of the working force of the second company  
26 in a gratifying manner to their company. I think  
27 that just as you have a common labour portion of the  
28 population, there is some degree of loyalty to one  
29 another, but from what has been presented here there  
30 is very little of that between employers. They enter





1 into contracts by which they agree to monopolistic  
2 control of certain kinds of work. There may be a  
3 question of whether or not these agreements to with-  
4 hold labour and withhold produced articles, materials  
5 and services, to withhold those from everybody who  
6 won't join the club. Well, that may easily be a most  
7 destructive situation in a society, especially one  
8 that really nails to the mast his flag of individual  
9 freedom. Now, individual freedom is being cut down,  
10 it is always cut down in a community but it seems to  
11 me that these organizations of minority groups,  
12 monopolizing services and monopolizing production  
13 and materials and goods and monopolizing every other  
14 feature of the general work in the way of production,  
15 can become a very serious condition of our society,  
16 so that the individual man who doesn't have to live  
17 at this particular place is unable to work anywhere.  
18 I have in mind Toronto, here, which is a tremendous  
19 industrial centre, the restrictions upon actions and  
20 the control that seems to be exercised over both  
21 the associates of the working men and the goods that  
22 they are working with have reached the stage where  
23 it seems to me to justify an independent investigation  
24 of itself. Yet, there is what I think is most  
25 expressive, a cut-throat competition within one group.  
26 I don't say there is harmony between the others, but  
27 I think there is more so than between the employer,  
28 and in some way it strikes me it should be studied  
29 by which you can avoid any clash with the Combines  
30 Act, but would release some of the bondage which



1 particularly in construction work, it is held today.

2 MR. ADAMS: I think unions are exempt  
3 from investigation by the Combines people.

4 MR. POLLOCK: But a combination of  
5 employers for that purpose might not.

6 MR. ADAMS: The working men are  
7 specified expressly.

8 MR. POLLOCK: I think the  
9 the Commissioner is referring to, in 1965 the  
10 Toronto Construction Association had a strike with  
11 the construction employees in the various trades and  
12 all their jobs were closed down and about 50 percent  
13 of the jobs existing in Toronto were affected by  
14 and others than members of this association/who immediately  
15 drew on this striking work force and, as a matter of  
16 fact, in some cases they checked off a 25 cent contri-  
17 bution that was paid into the union strike fund. They  
18 were trying to avoid this now, they were trying to  
19 unify their forces. I don't know whether they are  
20 achieving success.

21 MR. ADAMS: As I mentioned, I believe  
22 that management is becoming more aware of this situa-  
23 tion and that is why I am afraid they are liable to  
24 get together now and things will be very serious.

25 THE COMMISSIONER: You can take any  
26 idea and give it verbal form and you can make it  
27 end up by having it take on destructive tendencies. In  
28 practical competition, yes, are you going to rejoice  
29 in the bankruptcy of your neighbour.

30 MR. ADAMS: The problem with a



1 businessman is that he is basically in competition,  
2 very serious competition to his neighbour or with  
3 his neighbour.

4 THE COMMISSIONER: He certainly feels  
5 that and he talks that and he acts that. Is it  
6 essential that he view his neighbour in such a manner?  
7 Is there such a thing a co-operation between those  
8 who really produce the elements of good economy?

9 MR. ADAMS: There are associations  
10 of businessmen that attempt to regulate appearance  
11 or product quality. I know that management is very  
12 sensitive to the Department of Justice and they are  
13 probably not aware of the powers of the Department  
14 of Justice in monopolistic tendencies but they feel  
15 that if they ever get together that they are charged.

16 THE COMMISSIONER: I realize that  
17 but let me give you a small illustration. There is  
18 one of the social clubs in this country which was  
19 formed many years ago and it was formed on the basic  
20 assumption that two men of the same activity and the  
21 same profession, the same occupation and the same work  
22 would never really trust one another and, consequently,  
23 in this organization you could only have one man  
24 representing this and this, non-competitive. I can't  
25 imagine, personally, anything more ridiculous. I have  
26 been in the same sense in competition with lawyers,  
27 and my closest friends are lawyers. I welcome them  
28 and I want to talk their language.

29 MR. ADAMS: Mr. Commissioner, a lawyer  
30 can rationalize anything.





1 THE COMMISSIONER: I hope he achieves  
2 it. It is a mark of a civilized person, I think.

3 MR. ADAMS: I was thinking of two  
4 hockey teams competing against each other. It is a  
5 fight to the death.

6 THE COMMISSIONER: Well, there again,  
7 these tremendous games which I must say I enjoy as  
8 much as anybody. If your driving force behind that  
9 is the dog. I wouldn't be surprised in the future  
10 to see the young boys come out as professionals.

11 MR. POLLOCK: Well, I think so far  
12 as your submission is concerned, Mr. Adams, had all  
13 employers been as reasonable as you and taken the  
14 benevolent attitude that you have obviously taken with  
15 your employees, then trade unionism wouldn't have  
16 been necessary and would never have got off the ground.  
17 Unfortunately, all employers aren't benevolent and  
18 don't think that much of their employees and they  
19 have to be coerced in some cases to do things and I  
20 wouldn't say that for every employer who has a union,  
21 I don't make that comment at all, but I think it is  
22 difficult to characterize all unions as bad and all  
23 unions as good, or vice versa. I think your submission,  
24 as I said before, is a moving one with respect to a  
25 small employer who has<sup>a</sup>/good working relationship with  
26 his employees and feels he ought to be able to conduct  
27 his business on the basis of that good working relation-  
28 ship and not to have interference with the conduct of  
29 his external business because he hasn't signed an  
30 agreement with a particular organization.



1 THE COMMISSIONER: I mention only one  
2 thing here. I was reading a statute in England a  
3 few weeks ago in which there was a provision forbidding  
4 any child of nine to be used for certain occupations,  
5 otherwise he was free.

6 MR. POLLOCK: That was over 10 hours  
7 a day. He could work for nine hours a day. Thank you  
8 very much, Mr. Adams.

9 I believe we have with us some men  
10 from the running trades from Sault Ste. Marie.

11 What is of particular interest to us,  
12 gentlemen, arises out of some reports in the newspaper  
13 surrounding the dispute of the bricklayers at Algoma  
14 Steel at the Soo. It was reported that there was a  
15 picket line of the bricklayers that had the effect  
16 of intimidating the members of your two unions from  
17 crossing. I can tell you that we have tried to find  
18 out from other sources the nature of that intimidation  
19 and we haven't had any success, but we feel that the  
20 best story is told from the people who were concerned  
21 with that type of activity and, consequently, we  
22 invited you gentlemen to appear before us and tell  
23 us the particulars and details surrounding the news-  
24 paper reports by counsel on your behalf and I might  
25 say that there has been some misunderstanding of your  
26 position. We would like to get that clarified today.

27 MR. GIBBONS: I am the Vice-President  
28 of the local brotherhood, and Vice-President of the  
29 Locomotive and Firemen of Canada.

30 In the first place, I would like to





1 picket  
2 briefly explain the position re/ lines established  
3 by the bricklayers in Algoma Steel; I received a  
4 phone call from our General Chairman, Mr. McLeod  
5 asking what the position of our organization was with  
6 respect to crossing the picket line. I explained to  
7 him that the Criminal Code required that we fulfill  
8 the contractual obligations that we had with the  
9 Algoma Steel Corporation, and that there was no  
10 position they could take, as such, other than in  
11 relation or with respect to his employees or member-  
12 ship other than to so advise them.

13 Now, I am happy to say that all of  
14 the evidence that has been returned to my office by  
15 Mr. McLeod and I may say by the trainmen as well that  
16 our membership were advised that they had a contractual  
17 obligation which they were required to fulfill. Our  
18 constitution of our organization says that we will  
19 honour picket lines, but our constitution also says  
20 that where any portion of our constitution is in  
21 conflict with the law of the National Federal Govern-  
22 ment or provincial laws, then the law prevails. In  
23 the given circumstances, Mr. McLeod, in answer to  
24 questions as to what an individual should do if he  
25 was confronted with intimidation at his picket line,  
26 I told him in such circumstances to advise the  
27 individual that any decision with whether or not there  
28 was intimidation at the picket line rests with the  
29 individual, because certainly we would not permit our  
30 people to subject themselves to threats of violence  
or violence itself. We would bring the full resources



1 of our organization to bear to try and represent them  
2 in instances where there was intimidation. Mr. Claud  
3 is much more familiar with what actually occurred at  
4 the picket line, so I would ask that he carry on from  
5 there.

6 MR. CLAUD: I am General Chairman  
7 Brotherhood  
8 of the / of Locomotive. What do you want,  
9 just the facts of what transpired at the picket line?  
10 I only had to appear at the picket line once. In the  
11 first instance the bricklayers set up a picket line  
12 on December 17th at 11:00 p.m. My days off were  
13 Sunday and Monday.

14 MR. POLLOCK: Was this on the 17th?

15 MR. CLAUD: On that Friday evening,  
16 yes, and I was off Sunday and Monday. I worked from  
17 4:00 to 12:00 on Saturday. My card was held, I was  
18 on two shift jobs. My card was held that they wanted  
19 me in the plant. So I stayed another eight hours.  
20 On Sunday or Monday, permission was granted by Labour  
21 Relations to be excused from duty on union business.  
22 The permission was asked for by our President and it  
23 was granted. On Tuesday that permission was taken  
24 away.

25 MR. POLLOCK: Did that apply to all  
26 the members?

27 MR. CLAUD: No, just for the members,  
28 the president and the negotiating committee which is  
29 a grievance committee.

30 MR. POLLOCK: How many people would  
that be altogether?



1 MR. CLAUD: That would be four. So,  
2 on Tuesday, that was taken away. On Wednesday morning  
3 I reported for work at the picket line. I was told  
4 that if I went in that I would get my legs broken.  
5 There was another fireman with me by the name of Wayne  
6 Britt.

7 MR. POLLOCK: What gate was this at?

8 MR. CLAUD: That was at number one  
9 gate, and I would say pretty close to 90 percent of  
10 our men used number one gate.

11 MR. POLLOCK: What time on Wednesday  
12 morning was that?

13 MR. CLAUD: It would be about twenty  
14 minutes after the hour or forty minutes previous to  
15 the starting time.

16 MR. POLLOCK: What hour was it?

17 MR. CLAUD: That would be about  
18 twenty after seven.

19 MR. POLLOCK: Who told you this?

20 MR. CLAUD: A captain of the picket  
21 line.

22 MR. POLLOCK: Do you know who he is?

23 MR. CLAUD: No, I don't know who he  
24 is.

25 MR. POLLOCK: He said if you go in  
26 you would get your legs broken?

27 MR. CLAUD: That is right.

28 MR. POLLOCK: Was there anybody else  
29 going through that picket line?

30 MR. CLAUD: Well, it was dark at that





1 hour of the morning, there weren't too many men there.

2 MR. POLLOCK: Did the production  
3 employees, steel workers, did they go through that  
4 number one gate as well?

5 MR. CLAUD: Yes, a lot of them go  
6 through there. That is the main gate although the  
7 office staff used number two gate, because their  
8 office buildings are over on that side.

9 MR. POLLOCK: Did you feel that these  
10 people were prepared to back up their threats?

11 MR. CLAUD: I certainly did.

12 MR. POLLOCK: Did you report that to  
13 anybody in the company?

14 MR. CLAUD: I called in as soon as  
15 I went back and told him that we were threatened at  
16 the gate.

17 MR. POLLOCK: Was there anybody at  
18 the gate from the company?

19 MR. CLAUD: Not at that time.

20 MR. POLLOCK: Was there a security  
21 guard there?

22 MR. CLAUD: Not at that time. I  
23 couldn't say whether the police were there at that  
24 time or not. It was dark at that time of the year  
25 in the morning.

26 MR. POLLOCK: What happened then?

27 MR. CLAUD: Well, I called in and  
28 reported it and that was it.

29 MR. POLLOCK: Who did you speak to  
30 in the company?



1 MR. CLAUD: One of the yardmasters,  
2 but I couldn't say exactly who it was.

3 MR. POLLOCK: You just phoned a  
4 number and somebody answered the phone?

5 MR. CLAUD: Yes, I called our yard  
6 office.

7 MR. POLLOCK: Do you know who you  
8 were talking to?

9 MR. CLAUD: Well, I couldn't say now  
10 exactly who I was talking to.

11 MR. POLLOCK: Well, how do you know  
12 it was a yardmaster?

13 MR. CLAUD: I knew at that time and  
14 I told him who I was.

15 MR. POLLOCK: He would recall this  
16 conversation?

17 MR. CLAUD: I suppose so, they've  
18 got everything down. I don't know if they have it on  
19 tape, but the night I was in there, the first night,  
20 somebody called in and the company offered to send  
21 cars to get them at their homes and escort them in,  
22 although they never called me.

23 MR. POLLOCK: You knew about the  
24 offer of cars then, did you; that they would drive  
25 you in?

26 MR. CLAUD: I heard it right there  
27 in the office that first night.

28 MR. POLLOCK: Did you ask them to  
29 come and pick you up and take you through the fence?

30 MR. CLAUD: No, sir.





1 MR. POLLOCK: You normally walk  
2 through the gate to go to work?

3 MR. CLAUD: No, we drive, because the  
4 gate is situated quite a distance from the punching  
5 in point, from where the company property starts to  
6 where you get to the clock. There is a bus that runs  
7 in, a shuttle service.

8 MR. POLLOCK: And you stopped at the  
9 picket line and somebody came over to your car?

10 MR. CLAUD: That's right, there were  
11 about a dozen there.

12 MR. POLLOCK: Well, maybe eight?

13 MR. CLAUD: Well, maybe eight or ten,  
14 I didn't count them.

15 MR. POLLOCK: Do you think you could  
16 have gone through the gate in your truck?

17 MR. CLAUD: And run over somebody?  
18 You mean if I run over somebody?

19 MR. POLLOCK: You would have had to  
20 run them down?

21 MR. CLAUD: Or maybe hurt somebody  
22 at the side of the car.

23 MR. POLLOCK: After this phone call  
24 to the yardmaster, did you make any other attempt to  
25 notify the company that the reason you weren't  
26 crossing was because these people threatened you?

27 MR. CLAUD: I beg your pardon?

28 MR. POLLOCK: After you notified this  
29 yardmaster, did you make any other contact with the  
30 company advising them that you weren't coming to work



1 because you had been threatened by a person at this  
2 gate that your legs would be broken?

3 MR. CLAUD: Well, I didn't go back in  
4 because that day a person called me and we had been  
5 charged before the Ontario Government Public Relations  
6 an  
Board. We were charged with/illegal work stoppage.  
7 We contacted counsel and were advised to go to Toronto.  
8 I called the company and told them of the fact. They  
9 wouldn't grant me permission so I had to take it on  
10 my own.

11 MR. POLLOCK: But, after this one  
12 another  
contact, you never made an attempt to go back across  
13 the picket line, after 7:20 in the morning on Wednesday?

14 MR. CLAUD: No, I went to Toronto, I  
15 was in Toronto for four days.

16 MR. GIBBONS: It was full employment  
17 for the brotherhood at that time because he had arranged  
18 to obtain the services of counsel in order to protect  
19 the interests and he was our man who held the meetings  
20 with counsel in order to advise counsel so that actually  
21 he was working for the brotherhood. There are other,  
22 or in the process if I may say, and I don't know just  
23 how to put this because under advice of counsel we  
24 and  
obtained, or Mr. Claud,/the General Chairman of the  
25 Trainmen, obtained statements from individuals who  
26 were subjected to intimidation at the picket line on  
27 various occasions. Now, I have seen some of these  
28 statements.

29 MR. POLLOCK: This is Mr. Walkenshaw.

30 MR. GIBBONS: Yes.



1 MR. POLLOCK: I can tell you that he  
2 has refused to give us any statements.

3 MR. GIBBONS: Well, we have seen the  
4 statements and we were not authorized to present them  
5 to the Commission for the very obvious reason that  
6 these were part of court proceedings that were sub-  
7 sequently not used but were withdrawn so, therefore,  
8 we think it would be inappropriate for us to subject  
9 the individual now who signed those statements to  
10 the publicity that would be attached to making them  
11 available to your Commission. By reason of the fact  
12 that the discipline has been removed and the court / charges  
13 against the organization were removed in negotiating  
14 the final settlement.

15 MR. POLLOCK: It has been suggested  
16 that these statements were false.

17 MR. GIBBONS; Well, I suppose that's  
18 a reasonable allegation by someone who would be  
19 opposed to the use of them.

20 THE COMMISSIONER: Are they signed  
21 by anybody who says " I was one of the persons  
22 who was threatened? "

23 MR. GIBBONS: Yes, they were signed  
24 by the individuals who say that "upon arrival at the  
25 gate I was confronted by a picket or pickets and  
26 was advised that if I should cross the picket line I'd  
27 get a punch in the nose. "

28 THE COMMISSIONER: But, have you any  
29 statement from the picket to that effect that he  
30 threatened anybody?





1 MR. GIBBONS: No, not from the picket.

2 THE COMMISSIONER: In this group that  
3 is now before us, is there anybody here other than Mr.  
4 Claud who has had any experience with this kind of  
5 threat.

6 MR. ERB: My name is Jack Erb, and  
7 I have.

8 MR. POLLOCK: What was your experience?

9 MR. ERB: I was on the spare board/time at the  
10 and I was on call 24 hours a day and to me, these  
11 pickets went up at 11:00 o'clock on the 17th,  
12 and I was called for an 8:00 A.M. job in the morning.

13 MR. POLLOCK: Was it the 17th or the  
14 16th?

15 MR. ERB: It was the 17th. I asked  
16 what job I was going on, which was a natural procedure  
17 and they told me who I was going with and what job.  
18 So, on the way to work, I picked up the trainman who  
19 was due for the same job and we proceeded to go to  
20 the gate. That was number one gate. When we got to  
21 the gate there was a gang of men milling around.

22 MR. POLLOCK: How many?

23 MR. ERB: I would say eighteen to  
24 twenty. This happened to be the first morning.

25 MR. POLLOCK: What time was this?

26 MR. ERB: I would say about 7:20 or  
27 7:30. I generally go to work on a spare job and I  
28 have to wear a shop cap and sometimes a smock which  
29 more or less shows that you are a tradesman. So, they  
30 stood right in front of my car and I stopped and I asked



1 what was going on. So this chap walked over.

2 MR. POLLOCK: Do you know who he was?

3 MR. ERB: No, I couldn't tell you.

4 It was around 8 to 10 below zero, they had balac lavas  
5 on and scarves and jackets and it was pretty cold. So  
6 I got a glimpse of his eyes, but that was about all.

7 He said to me, "I'm a picket captain and we have a  
8 legal strike here". I said, "This is legal?" and he  
9 said "Yes." I said, "Have we the right to go into  
10 work?", and he said, "Definitely not, if you don't  
11 want to be harmed, or your families, I think you had  
12 better best go home." So, we were associated with  
13 several strikes prior to that, and having seen some  
14 of these violent tactics like stone throwing, and  
15 fellows getting hit and one thing and another, I  
16 thought it would be better for me to go home to my  
17 family and that is what I did. So, I called the  
18 office when I got home and told them what had happened.

19 MR. POLLOCK: Who did you speak to?

20 MR. ERB: I believe that morning it  
21 was Jimmy Nash, the Yardmaster.

22 MR. POLLOCK: What time was that?

23 MR. ERB: I think it would be about  
24 8:15. He told me to hold the line, so I held the  
25 line and one of the officials got on the other line  
26 and asked me what took place, so I told him.

27 MR. POLLOCK: Who was the official?

28 MR. ERB: He just said it was the  
29 superintendent. I explained what happened and he said  
30 "Well, if you want to, you can come through number two





1 gate. Just drive your car right through and never mind  
2 punching your card, come right through to the office  
3 and go to work". Well they never give you a pass  
4 to take your car through at any other time  
5 so I didn't think that was a good idea either.

6 MR. POLLOCK: Why not?

7 MR. ERB: Well, if you get caught  
8 going through with your car, and don't have the proper  
9 card you are put out of service.

10 MR. POLLOCK: Whose going to do that?

11 MR. ERB: Plant protection. They  
12 can't give you this authority by word of mouth, you  
13 have to have a pass.

14 MR. POLLOCK: All right, what happened  
15 then?

16 MR. ERB: I told him what happened and  
17 he said "okay," and being on the spare board I was  
18 called in to work that afternoon again and the  
19 same procedure happened.

20 MR. POLLOCK: Then you went back to  
21 the gate?

22 MR. ERB: At 11:00 o'clock that night  
23 the same thing happened.

24 MR. POLLOCK: The same picket captain  
25 came up and spoke to you?

26 MR. ERB: Not the same one. Probably,  
27 but I don't know.

28 MR. POLLOCK: What did they say to you?

29 MR. ERB: They threatened to break  
30 my windows to get at me for one thing. They were



1 standing in front of the car and I couldn't move without  
2 hitting somebody and I just decided it was no place for  
3 me. There must have been anywhere from 12 to 15 guys  
4 there.

5 MR. POLLOCK: Did you know the steel-  
6 workers were in the plant?

7 MR. EFB: There were some cars going  
8 through there, but I was only interested in the  
9 one I was in.

10 MR. POLLOCK: Did you learn of  
11 anybody getting beat up or of any violence at the  
12 picket lines?

13 MR. EFB: Not as to violence, no.

14 MR. POLLOCK: Did you hear of any  
15 damage to any property at the picket lines?

16 MR. EFB: I was more worried about  
17 myself.

18 MR. POLLOCK: But this was your fear  
19 from some other experience that you had had?

20 MR. EFB: Not necessarily, I was right  
21 there.

22 MR. POLLOCK: Has anybody else had  
23 any other experiences of actual threats?

24 MR. DIOT: My name is A. Diot, and I  
25 am Local 1 Engineer of Algoma Steel. On December 17th  
26 my days off were Sunday and Monday. I didn't have  
27 to report to the picket line or report to work until  
28 4:00 o'clock Tuesday. At 4:00 o'clock Tuesday at  
29 Number one gate, I was with about four other fellows  
30 driving my car and I approached the picket line and



1 I approached the picket line and stopped and I was  
2 intimidated. A guy shook his fist at me.

3 MR. POLLOCK: He shook his fist at  
4 you?

5 MR. DIOT: That's intimidation to me.  
6 I had the window down and I was only asking what was  
7 going on.

8 MR. POLLOCK: He shook his fist at  
9 you?

10 MR. DIOT:: Right.

11 MR. POLLOCK: What was he doing when  
12 he shook his fist?

13 MR. DIOT: He was saying, "If I was  
14 you, I would turn this car around and go home", and I  
15 did.

16 MR. POLLOCK: That frightened you,  
17 did it?

18 MR. DIOT: Yes, sir. I reported  
19 four more days from 4:00 to 12:00 and this same situation  
20 existed.

21 MR. POLLOCK: Did you call the company?

22 MR. DIOT: Yes, I called the company  
23 each time and I said, "I am afraid to go to work that  
24 you have a picket line there and I was intimidated!"  
25 I had been afraid to go to work. I believe in my own  
26 mind that the Company was responsible for the picket  
27 line. It is not my picket line.

28 MR. POLLOCK: It is your contract.  
29 You signed a contract with the company to perform your  
30 work, didn't you?





1 MR. DIOT: The company had me locked  
2 out when they put a picket line.

3 THE COMMISSIONER: What do you mean  
4 by saying the company put a picket line there?

5 MR. DIOT: They allowed it there. It  
6 was not my picket line.

7 THE COMMISSIONER: Well, if it isn't  
8 yours, then why do you respect it?

9 MR. DIOT: Respect it? I was  
10 intimidated. Do I have to fight my way into work?

11 MR. POLLOCK: Did you try to go in,  
12 or did the fellow raise his fist ----

13 MR. DIOT: Do you want violence at  
14 a picket line?

15 MR. POLLOCK: Was there any act of  
16 violence with all those cars?

17 MR. DIOT: There could have been. I  
18 am not a coward but if somebody shakes a fist in your  
19 nose, what are you going to do, jump out of the car  
20 and start a fight?

21 MR. POLLOCK: No.

22 MR. DIOT: Okay then, I didn't, I  
23 went home.

24 MR. POLLOCK: Were there any acts of  
25 violence to your knowledge to the 6,000 people in the  
26 production line that crossed to go to work?

27 MR. DIOT: There were no acts of  
28 violence, but there were a lot of steelworkers that  
29 didn't go to work. They booked off as holidays.  
30 One that I know of was fired and he was told if he



1 didn't report for work the next morning he would be  
2 fired. They didn't all cross the picket line.

3 MR. POLLOCK: Well, some of your  
4 men went in also, didn't they?

5 MR. DIOT: That is right.

6 MR. POLLOCK: Were they molested in  
7 any way?

8 MR. DIOT: I guess so, they had to  
9 sneak in around the picket line with special passes  
10 and police protection.

11 MR. ERB: One of them told me that  
12 he was a machinist and he got through.

13 MR. POLLOCK: They were letting  
14 machinists go through? Why would they let a machinist  
15 go through?

16 MR. ERB: That I don't know.

17 THE COMMISSIONER: Well, they let  
18 all the steelmen go through too?

19 MR. CLAUD: Well there were 200 men  
20 against 6,000.

21 MR. POLLOCK: Now there weren't  
22 6,000 men there all at the one time. Now, look here,  
23 you gentlemen, you are all good sized people.

24 THE COMMISSIONER: Well, how many  
25 of the engineers or trainmen went back and disregarded  
26 the picket line?

27 MR. CLAUD: Some of the police went  
28 to the house and drove some of them, maybe they would  
29 drive them in get  
30 one day and maybe they couldn't/through the next day.





1 THE COMMISSIONER: But, Mr. Diot, I  
2 thought you conceded some of them went in.

3 MR. DIOT: Roughly, 18 percent.

4 THE COMMISSIONER: And what does that  
5 mean in terms of members.

6 MR. DIOT: Well, 25 out of 211.

7 MR. COMMISSIONER: Were any of those  
8 25 threatened or punished or did they become involved  
9 in any violence with any person either at home or at  
10 work?

11 MR. DIOT: The answer is no, but I  
12 wouldn't know <sup>about</sup> ~~if~~ somebody else's..

13 THE COMMISSIONER: If they had been  
14 you would have heard about it? Those things get  
15 interested  
around through a group of/people like lightning.

16 MR. DIOT: I heard of the yardmaster  
17 getting a punch on the nose by one of the scabs. One  
18 of the officials of the company.

19 THE COMMISSIONER: Well, yes, but I  
20 am speaking about the men who disregarded the ----

21 MR. DIOT: Well, he went through it.  
22 Any other time the man would get dismissed for it.

23 MR. ERB: One of our yardmasters got  
24 involved with an ironworker and got slapped down, and  
25 the ironworkers were respecting the picket line, that  
26 is the construction ironworkers.

27 MR. POLLOCK: Well, it is not as bad  
28 a tale as I expected from the newspapers obviously.

29 MR. CLAUD: You should have read them  
30 all.



1 MR. DIOT: The observation I would  
2 like to make is that I am a citizen of Canada and I  
3 am working for a living and I have been at the Algoma  
4 Steel for 27 years and I want to know why or how the  
5 law can't allow me to be penalized three weeks off  
6 without pay. That is a fine of \$400. roughly, and  
7 accused of unlawful action and I've never had a hearing  
8 and I've never been able to appear in court. They took  
9 me down to Toronto and then they withdrew the charge,  
10 that there was something wrong with the law. I am  
11 not a criminal, but how can the company turn around  
12 and charge me?

13 THE COMMISSIONER: Obviously there  
14 was an error in the charge.

15  
16 MR. DIOT: They violated the contract  
17 by not giving me a hearing.

18 THE COMMISSIONER: What could they  
19 accomplish by a thing that isn't already known?

20 MR. DIOT: That's part of the contract.  
21 You want to live up to part of the agreement and not  
22 the rest of it?

23 THE COMMISSIONER: What is the other  
24 part that was not observed?

25 MR. DIOT: There were a lot of parts  
26 that they didn't observe. I worked on New Years  
27 and never got paid for it. They said I am on the wrong  
28 side of the fence. You think Algoma Steel are a  
29 good company. Sure, they've got good public relations  
30 but why don't they start getting some labour relations.



1 The whole trouble up there, they have an incentive  
2 plan for 30 percent of their employees, and the rest  
3 of us can take the crumbs,  
4 and we are not recognized as tradesmen. They gave  
5 all the maintenance men -  
6 everybody over job class 11 got 3 points.

7 THE COMMISSIONER: Are your wages  
8 related to the men on the railways?

9 MR. DIOT: No, we have a separate  
10 agreement with Algoma Steel.

11 THE COMMISSIONER: But do they bear  
12 any relation?

13 MR. DIOT: They are very similar, but  
14 this would be yard service in the railroads. The  
15 maintenance men with the steelworkers.  
16 everybody over job class 11, and we are classified  
17 as job class 13 on the consolidated wage schedule.  
18 Job class 13, and this is in black and white, and we  
19 simply are not getting our 2 points until Hell / over.  
20 That is a good way to start negotiating / isn't it.  
anything

21 MR. POLLOCK: You subsequently had  
22 negotiations and signed a contract?

23 MR. DIOT: After six months, after  
24 a strike.

25 MR. GIBBONS: If I may say, Mr.  
26 Commissioner, I think the whole aspect of labour  
27 relations should be examined or could be examined  
28 by Your Commission at Algoma, particularly with  
29 respect to the running trades. They have been in  
30 there for some 50 odd years and this is the first





1 time that there has had to be a resort to the use of  
2 economic strength. I did not  
3 intend to present a brief to your Commission but when  
4 I arrived here yesterday I was presented with a news-  
5 paper article that purports to report the brief  
6 that was presented to the Commission by the Algoma  
7 Steel Corporation yesterday in which they took the  
8 opportunity to criticize the leadership at the local  
9 level and the leadership at the international level  
10 and which is in itself a slap at the  
11 individual members who choose not by appointment, as  
12 the article in the paper says by elective process, a  
13 representative of their choice at both the local and  
14 international level. For the information of the  
15 Commission, I, as Vice President of my own organization,  
16 the Brotherhood of Locomotive Firemen, am elected  
17 in Canada by Canadians,  
18 and perhaps this is a unique situation when we consider  
19 all of the international unions, but I certainly take  
20 exception to Algoma Steel speaking in such a manner  
21 about the leadership of our organization and at the  
22 same time trying to promote a more sophisticated  
23 approach to industrial relations. I think it is a  
24 complete contradiction of what has been, in fact,  
25 the experience in Algoma Steel. They have  
26 had good relationship. But the article that  
27 appeared in the press in Sault Ste. Marie  
28 yesterday after they had resolved their differences  
29 and negotiated a contract, certainly is a set back  
30 in industrial relations or labour relations in that  
company with respect to these two organizations I



1 don't know when or how this damage will be  
2 corrected, and I think it was an insult for them if the  
3 newspaper report with all due respect, supported / brief.  
their

4 MR. POLLOCK: I don't know what the  
5 newspaper report said, but I can say to you that their  
6 submission to this Commission in relation to those facts

7  
8 so far as the bricklayers' strike was concerned, which  
9 is the one we are concerned with now, we are not  
10 concerned with your own association which we subsequent-  
11 ly had. They discussed that but there was no relevance  
12 to labour disputes really, in that aspect of it,  
13 other than the fact that it did occur, and that there  
14 was a dispute.

15 The only reference to the bricklayers strike that  
16 is your own position, was that there was no public  
17 pronouncement by anyone in authority in that union  
18 or unions, to the membership of the unions advancing  
19 them or telling them

20 that they are obliged by contract or law to return  
21 to work. That is their position and so far nobody  
22 has contradicted that today.

23 MR. GIBBONS: Well, at the outset,  
24 I contradicted it. We don't feel that we have to make  
25 public / pronouncements on such matters. We have lines of  
26 communication within our organization, and at the  
27 outset in answer to a telephone conversation from  
28 our General Chairman, I advised him what his duties were  
29 and he so advised the membership of his organization  
30 and I am given to understand that the trainmen





1 followed the same kind of procedure, sought authority  
2 or sought assistance from the vice president in  
3 Ottawa, I think it was, to advise them the same way.

4 <sup>saying</sup>  
MR. POLLOCK: Are you/ now that every  
5 member of both of these unions, these local unions,  
6 was advised that it was their obligation under the  
7 contract of the law to cross those picket lines?

8 MR. GIBBONS: Yes, it was the law.

9 MR. POLLOCK: I am wondering if they  
10 stop at the picket line and ask the people what their  
11 duties were.

12 <sup>suggest</sup>  
MR. GIBBONS: I / you don't  
13 know what it is to cross the picket line and we  
14 can't answer the question for you. Any time you  
15 cross the picket line and you have been in the trade  
union movement  
16 twenty or thirty years you are going to stop and  
17 ascertain what the situation is, and if there is  
18 a sort of intimidation you are going to go home.

19 MR. POLLOCK: Even if you are not a  
20 member of the union you ought to respect that <sup>picket</sup> / line.

21 MR. GIBBONS: That is true, but we  
22 have a contractual obligation to fulfill and we cannot  
23 put out a public pronouncement saying we  
24 simply going to honour that picket line because of  
25 the contract. This would be ridiculous.

26 MR. POLLOCK: It would be illegal.

27 MR. GIBBONS: Yes, so we don't do  
28 that. On the contrary, we tell our people that our  
29 leaders' responsibility is to advise the members that  
30 they have a contractual obligation to fulfill but we do



1 not ask any man to cross a line when there are  
2 threats of intimidation and I think perhaps the  
3 courts would have to decide once and for all on a  
4 particular case whether or not there was in fact  
5 intimidation, but intimidation takes many forms.  
6 There were threats to families and phone calls took  
7 place in Algoma Steel, and you couldn't even  
8 ascertain who phoned.  
9 You don't have to wait until somebody is killed in  
10 order to establish if there is intimidation, or if a  
11 fellow gets his nose broken, or blackened eye.  
12 Someone here just before today said we should stop  
13 these things before they really get started. We feel  
14 that we were responsible in advising our people that  
15 they had a contractual obligation, but when an indivi-  
16 dual confronts a picket line and he feels in his own mind  
17 or in his own heart that there is intimidation there,  
18 he must be judge of his own decision in that respect.  
19 Certainly by doing that  
20 we are not promoting violence at a picket line which  
21 is perhaps the greatest cause of concern in the  
22 Province of Ontario, as I understand it.

23 MR. POLLOCK: All right, thank you,  
24 gentlemen.

25 THE COMMISSIONER: This hearing  
26 is adjourned sine die.

27  
28 ----Adjournment.  
29  
30













BINDING SECT. OCT 20 1967



